

GALWAY ELECTION.

COPY

OF

MINUTES OF THE EVIDENCE

TAKEN AT

THE TRIAL

OF THE

GALWAY COUNTY ELECTION PETITION.

(1872.)

PART I.

Ordered, by The House of Commons, to be Printed,
13 June 1872.

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R E P O R T.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

COUNTY OF GALWAY ELECTION PETITION.

To the Right Honourable the Speaker of the House of Commons.

Dublin, 11th June 1872.

IN the matter of a Petition presented to the Court of Common Pleas by Captain the Honourable William le Poer Trench, candidate at the last Election for the County of Galway, against Captain John Philip Nolan, who was returned at the last Parliamentary Election for said county, by which Petition (a copy whereof I transmit herewith), it was prayed that it might be determined that the said William le Poer Trench was duly elected, and ought to have been returned, or that the said John Philip Nolan was not duly elected or returned.

The trial of this Petition took place before me at Galway, in the said county, upon the first day of April last, and was continued, from day to day, until the 27th of May, in presence of the parties, their counsel and agents, and having heard the evidence which was given and counsel for both parties, I did then, at the conclusion of said trial, determine, and do accordingly certify, that the said John Philip Nolan was not duly elected to serve in Parliament for the said County of Galway, and ought not to have been returned, and that the said John Philip Nolan had been by himself and his agents guilty of undue influence at such election, within the meaning of "The Corrupt Practices Prevention Act, 1854."

I further determined, and do certify, that intimidation and undue influence, within the meaning of the Corrupt Practices Prevention Act, did extensively prevail in the said county at and previous to such election.

I further certify that the persons whose names I have set forth in the Schedule number "One" to this Certificate annexed, were guilty, at and previous to said election, of undue influence within the meaning of the provisions of said Act.

And I do further report to Mr. Speaker that the Roman Catholic clergymen whose names have been set forth in the Schedule number "Two" to this Certificate annexed, being the persons of the same name included in Schedule "One," by threats and denunciations of temporal injury, and spiritual punishment, uttered during or immediately after Divine service, and from the altars of their respective places of worship, and otherwise, as detailed in the evidence, intimidated and unduly influenced great numbers of the Roman Catholic electors of such county to vote for the said John Philip Nolan, or to refrain from voting against him. And further, it was proved that numbers of such electors who had promised to vote for the said William le Poer Trench afterwards had been compelled to vote for the said John Philip Nolan, or to refrain from voting for said William le Poer Trench, and had avowed they were so compelled by said intimidation and undue influence.

And I further report that, although I have found and reported that the Most Reverend John MacHale, the Roman Catholic Archbishop of Tuam, and the Most Reverend John MacEvilly, the Roman Catholic Bishop of Galway, were guilty of undue influence, it was not proved that the said Most Reverend John MacHale, Roman Catholic Archbishop of Tuam, or that the said Most Reverend John MacEvilly, Roman Catholic Bishop of Galway, sanctioned or had taken part in such denunciations as before mentioned. And the Most Reverend the Roman Catholic Bishop of Galway proved that any such denunciations in a Roman Catholic chapel, and more especially if made against any person by name, are in direct violation of the ordinances of the Roman Catholic Church in force in Ireland, as enjoined by certain Synodical decrees furnished to the court, and which are placed upon the notes of evidence.

And I have further to report that the Reverend Patrick Loftus, one of the clergymen whose names appear in said Schedules, was proved by the testimony of several faithworthy witnesses to have, in connection with such election, denounced from the altar of his church, in the presence of his congregation on the Sabbath, the wife of a gentleman an elector for said county, and resident in his parish (both he and his said wife professing the Protestant religion), and to have made other statements material to the inquiry, which the said Reverend John Loftus denied on his oath; and I, being satisfied of his wilful untruth, was then of opinion and so declared, and am now of opinion, that in his evidence before me he committed perjury.

And I have further to report to Mr. Speaker that the Reverend Peter Conway mentioned in said Schedules is the same Reverend Peter Conway mentioned in the fifth resolution of the Report of the Select Committee appointed to try and determine the Mayo Election Petition 1857, which Report was brought before me during the inquiry.

And I have further to report that a system of intimidation prevailed throughout said county, for many weeks preceding said election, to prevent voters recording their votes for the said William le Poer Trench, and that such intimidation was exercised, amongst other ways, by means of nocturnal visits to the houses of voters, and threats there uttered, and by the posting, and sending through the post office, threatening notices and letters to voters, and wives of voters, with a view to intimidate such voters from voting, as they had previously promised and intended, for the said William le Poer Trench.

And I further report to Mr. Speaker that on the day of the polling, at some of the polling places in said county, especially in the towns of Tuam, Oughterard, and Ballinasloe, violent mobs were organised and did attack voters who were proceeding to the poll, to vote for the said William le Poer Trench, and returning therefrom, and that the lives of voters and agents for the said William le Poer Trench were endangered by such mobs, and that in one part of such county the high road was cut across to prevent voters reaching the poll.

And I have further to report that the Reverend Patrick J. O'Brien, parish priest in the archdiocese of Tuam, who was the proposer of the said John Philip Nolan at said election, publicly announced on the morning of the polling, at the polling place in Tuam, to a gentleman of the Protestant persuasion, who had there voted for the said William le Poer Trench, that "there would not be a hair of his head disturbed"—that nothing would be done to him—"that they were all renegade Roman Catholics, who would be excommunicated."

I have further to report that the voters throughout the county were, on the day of polling, systematically conducted to the booths by the Roman Catholic clergy, who interfered actively in such polling, and were in so doing acting as the agents of the said John Philip Nolan.

And I certify that such acts and practices of the said Roman Catholic clergymen in the several ways and on the occasions to which I have referred, and, as otherwise fully detailed, not only in the evidence for and on behalf of the petitioner, but upon the examination and cross-examination of the witnesses,

nesses, lay and clerical, produced to give evidence for the said John Philip Nolan, was inconsistent with the free exercise of the franchise by the electors of said county and subversive of freedom of election therein.

And I have further to report to Mr. Speaker that, during the course of the trial, efforts were made to intimidate witnesses who had either given, or were about to give, evidence before me on such trial, in consequence of which I was obliged to commit to prison two persons, viz., Michael Roach and Patrick Barrett, for contempt of Court; the said Patrick Barrett being the person named in the evidence who was engaged actively, previous to such election, insulting and intimidating electors, in the interest of said Petitioner, in language so obscene that a witness who deposed thereto refused to state it otherwise than in writing, as appears on the notes.

And further that, in one case, a witness who was in Court and about to be called before me by the Petitioner's agent, was addressed by two Roman Catholic clergymen, the Reverend James Staunton and Reverend Patrick Lavelle, on the subject of the evidence he was about to give, and particularly told by the said Reverend James Staunton that "there were two ways of telling the truth," and otherwise cautioned, as appears on the notes of evidence, and the said witness was some days afterwards severely beaten on the high road, and was produced before me to make affidavit of the treatment he had so received, but in consequence of the then late period of the inquiry I was unable to do more than remit the case to the ordinary tribunals.

And I further certify that it appeared to me on the trial of such petition that certain questions of law required further consideration by the Court of Common Pleas before finally determining the matters referred to me, and that accordingly I should postpone granting this my Certificate until the determination of such questions by said Court of Common Pleas pursuant to "The Parliamentary Elections Act, 1868."

And I further certify that I submitted such questions to said Court in a Case prepared by me for the purpose, and that, said Case having come on before said Court for argument, the Court, after hearing counsel for said William le Poer Trench, and for said John Philip Nolan respectively, pronounced their judgment and determined thereon in answer to said questions to the following effect, videlicet: "That the electors who constituted the majority of said respondent were fixed with sufficient knowledge of the disqualification of the said John Philip Nolan and should have acted on such disqualification, and refrained from voting for said John Philip Nolan. And further the said Court adjudged and determined that the said Honourable William le Poer Trench, there being no disqualification on his part, was entitled to be declared duly elected for said county."

And I beg to refer to copies of said Case, and said Judgment or Determination, which I transmit herewith.

And I further certify that, having regard to said Judgment and Determination, I have accordingly determined, and do determine, that the said Honourable William le Poer Trench was entitled to be declared duly elected for said county of Galway as representative in Parliament for said county. And I do accordingly certify that he was so elected.

And I beg further to state that the copy of the evidence given at the trial as taken down by the shorthand writer of the House of Commons, and as furnished by him to me, accompanies this my Certificate.

Given under my hand this 11th June 1872,

WILLIAM KEOGH,

Second Justice of Her Majesty's Court of Common Pleas in Ireland, and one of the judges for the time being on the rota for the trial of Election Petitions in Ireland.

SCHEDULE "ONE" in the foregoing Certificate referred to.

Captain John Philip Nolan.	The Reverend Patrick Kilkenny.
Sebastian Nolan, Requiré.	The Reverend Thomas Kerina.
The Most Reverend John MacHale, Roman	The Reverend Timothy Keovil.
Catholic Archbishop of Tuam.	The Reverend Coleman Galvin.
The Most Reverend Patrick Duggan, Roman	The Reverend Michael Byrne.
Catholic Bishop of Clonfert.	The Reverend Eugene White.
The Most Reverend John McEvilly, Roman	The Reverend Thomas Walsh.
Catholic Bishop of Galway.	The Reverend Patrick J. O'Brien.
The Reverend Patrick Loftus.	The Reverend P. Melvin or Mullin.
The Reverend Bartholomew Quin.	The Reverend James Madden.
The Reverend James Staunton.	The Reverend William Manning.
The Reverend Patrick Lavelle.	The Reverend Malachi Greene.
The Reverend Peter Conway.	The Reverend Patrick O'Meara.
The Reverend John Kemmy.	The Reverend Patrick Coen.
The Reverend Thomas Cousidine.	The Reverend Francis Forde.
The Reverend John O'Grady.	The Reverend William McGauran or
The Reverend John Deely.	McGovern.
The Reverend Jerome Fahy.	The Reverend Francis Kenny.
The Reverend James Furlong.	The Reverend John McKeague or
The Reverend Patrick Cannon.	McKeirgue.
The Reverend Patrick Lyons.	

SCHEDULE "Two" in the foregoing Certificate referred to.

The Reverend Patrick Loftus.	The Reverend Eugene White.
The Reverend Bartholomew Quin.	The Reverend Thomas Walsh.
The Reverend James Staunton.	The Reverend James Madden.
The Reverend Peter Conway.	The Reverend William Manning.
The Reverend Thomas Cousidine.	The Reverend Malachi Greene.
The Reverend John O'Grady.	The Reverend Patrick Coen.
The Reverend Jerome Fahy.	The Reverend Francis Forde.
The Reverend James Furlong.	The Reverend William McGauran or
The Reverend Patrick Cannon.	McGovern.
The Reverend Timothy Keovil.	The Reverend Francis Kenny.
The Reverend Coleman Galvin.	The Reverend John McKeague or
The Reverend Michael Byrne.	McKeirgue.

WILLIAM KEOSH, Election Judge.

To the Right Honourable
The Speaker of the House of Commons.

COMMON PLEAS.

THE PARLIAMENTARY ELECTIONS ACT, 1868. In the matter of the Election Petition for the County of Galway between the Honourable *William Le Poer Trench*, Petitioner; Captain *John Philip Nolan*, Respondent.

CASE for the Determination of the Court of Common Pleas.

I HEREBY certify that the above Petition to which I refer, came on for trial before me, at Galway, on the 1st of April last, and that said trial having been continued from day to day at the conclusion thereof, on the 27th day of May instant, it appeared to me requisite, that before finally determining as to that portion of the Petition which prayed that the said Petitioner might be declared duly elected, and that he should have been returned, I should, under the 12th Section of said Act, reserve certain questions of law for the consideration of the Court of Common Pleas, and that I should accordingly postpone the granting the Certificate directed by the said Act until the determination of such questions by the said Court.

I came to the conclusion as a matter of fact, that the said Respondent had previously to the said election, by himself and his agents committed the offence of undue influence upon the electors, in order to induce and compel such electors to give their votes for him or to refrain from voting against him at said election contrary to law, and against the provisions of the statutes against such practices made and provided, and especially against the provisions of the statute 17 & 18 Vict. c. 102, s. 5.

It was proved before me that the number of the electors on the registry for such county was 5,346, but that making allowance for double entries and deaths the real number of electors available to vote at the time of such election, which took place on the 6th of February in this year, did not exceed 4,686; of these 2,823 voted for the Respondent, and 658 for the Petitioner. The Respondent was declared by the Sheriff duly elected.

It was further proved before me that such undue influence had been practised upon the electors of the county, and had been carried out in pursuance of arrangements made by the said Respondent and his agents previous to such election, and especially during the months of November and December of the last year, and the month of January of the present year.

It was also proved that certain of the prelates of the Roman Catholic Church had, by letters written to and read at public meetings, and by resolutions adopted at meetings and conferences of the Roman Catholic clergy at which they presided, and which resolutions were printed, published, and made known throughout the county by the Respondent and his agents, aided and assisted in the exercise of such undue influence. It was also proved that many of the Roman Catholic clergy discharging ecclesiastical duties in said county had, by their speeches at public meetings held in various parts of the county, commencing on the 19th of December of last year, and continued through the month of January in the present year, and by denunciations and threats of temporal injury and spiritual punishment, uttered during and after Divine service, and in the presence of their congregations, had intimidated and unduly influenced the electors of such county, and that the said Respondent had made himself liable for their acts.

It was also admitted upon both sides, on such trial, that at least nine-tenths of the electors were members of the Roman Catholic Church.

I was satisfied that, by the foregoing and other acts of intimidation proved against the Respondent and his agents, the status of the said Respondent as a candidate qualified to be elected was destroyed, and that he was disqualified to be elected for the said county by such acts, committed by him and his agents as hereinbefore described, and that such disqualification existed previous to the day of nomination for such election, and that the knowledge of such acts, and especially of such intimidation and undue influence, had become generally known through and amongst the great body of the electors throughout the county, and especially amongst those who afterwards voted for the said Respondent.

It was further proved before me that large numbers of the electors who had previously declared their intention to vote for said Petitioner had been compelled to vote for said Respondent, or to refrain from voting for the said Petitioner, and had avowed they were so compelled by such intimidation and undue influence. It was proved that the exercise of such intimidation and undue influence had become publicly known amongst the electors of such county previous to the day of nomination.

It was further proved before me, that on the 3rd day of February, "being the day of nomination, the said Petitioner" caused a notice to be posted at and in the immediate vicinity of the place of nomination for said county, and to be advertised in several of the newspapers published in the county, and to be extensively posted in the different polling-places for such county, cautioning the electors that said Respondent was disqualified from being elected for the said county, as set forth in said Petition.

It was further proved that at each of the different polling-places, and of the respective polling-booths, the said Petitioner had persons stationed with copies of such notices, with the view of serving them on the electors, previous to their recording their votes at the poll.

It was further proved that these notices were served at each of the polling-places (with one exception) on some of the electors, previous to their voting, the numbers of such services varying considerably in different polling-places, but not amounting in the aggregate of personal services to more than a few hundreds; and furthermore, it was proved that attempts were made to serve numbers of such notices on the voters, as they came to the poll, who either refused to receive them, or were prevented receiving them by the confusion in the booths, sometimes by the Agents of the Respondent, and frequently by the members of the Roman Catholic clergy, who were engaged conducting the electors to the poll. In the excepted booth to which I have referred, the person placed to serve the notices did not do so until after the electors had polled, having been told by one of the Agents of the Respondent that was the proper time to do so.

It was further proved that numbers of those notices were scattered about on the floors and tables of the polling-booths. They were all in the English language, and it was proved that many of the electors could not speak English.

It was on the foregoing facts, contended before me on behalf of the Petitioner, that the status of the said Respondent being destroyed thereby, the Petitioner was the only candidate before the Constituency eligible to receive their votes, and he declared elected, and that I should accordingly declare him duly elected.

It was however contended on the part of the Respondent, that notwithstanding the said Respondent being found ineligible, yet that the votes given to him were not thrown away, as the electors were not bound to act upon his ineligibility, even though made known to them by sufficient notice, until so declared by some competent legal tribunal; and furthermore, that even if they were bound to act upon such ineligibility, though not so previously found, knowledge thereof was not sufficiently brought home to a sufficient number of electors to displace the

the majority of the said Respondent, and to justify me in declaring said Petitioner duly elected.

I therefore request the opinion and determination of the Court of Common Pleas upon the following questions :—

1st. Were the electors, who constituted the majority of said Respondent, fixed with sufficient knowledge of the disqualification of the said Respondent, and should they have acted upon such disqualification, and refrained from voting for said Respondent.

2ndly. Was the Petitioner, there being no disqualification on his part, entitled to be declared elected for said county.

31 May 1872.

WILLIAM KNOGH.

Received, and filed in Election Petition Office, this 31st May 1872.

C. G. BURKE, Master.

I certify foregoing to be a correct copy.

C. G. BURKE, Master, C. P.

Common Pleas, Tuesday, 11th June 1872.

In re the Parliamentary Elections Act, 1868, and the County of Galway
Election Petition.

Honourable *William De la Poer Trench*, Petitioner; *John Philip Nolan*,
Respondent.

THE Case, stating certain questions of law for the determination of the Court, having been called on for argument on the sixth day of June instant (the day duly appointed for the purpose), Serjeant Armstrong, with whom were Mr. Murphy, q.c., and Mr. Perse appeared as counsel on behalf of the Petitioner; and Mr. Macdonagh, q.c., with whom was Mr. MacDermott, appeared as counsel on behalf of the Respondent. Whereupon, on reading said Case, and on hearing counsel, the argument was adjourned until the seventh day of June instant (the succeeding day), on which last-mentioned day the argument having concluded, the Court reserved judgment, and on this day doth adjudge and determine, in answer to the first question submitted to them, that the electors who constituted the majority of said Respondent were fixed with sufficient knowledge of the disqualification of the said Respondent, and should have acted on such disqualification, and refrained from voting for said Respondent.

And, in answer to the second question submitted to them, whether the Petitioner (there being no disqualification on his part) was entitled to be declared duly elected :

The Court doth adjudge and determine that the Petitioner, there being no disqualification on his part, was entitled to be declared duly elected for said county.

C. G. BURKE,

Master Common Pleas, Ireland.

IN THE COMMON PLEAS.

THE PARLIAMENTARY ELECTIONS ACT, 1868.

ELECTION for the County of Galway, holden on the Third day of February One thousand Eight hundred and Seventy-two, being the day of nomination; the Sixth day of February One thousand Eight hundred and Seventy-two, being the day of polling; and the Eighth day of February, the day of the declaration of the poll.

THE PETITION of Captain the Honourable *William Le Poer Trench*, of the Regiment of Royal Engineers, of 32, Hyde Park Gardens, London, whose name is subscribed.

1. YOUR Petitioner was a candidate at the above election.

2. Your Petitioner states that the election was holden on the Third day of February One thousand Eight hundred and Seventy-two, when Captain John Philip Nolan and your Petitioner were candidates, and the returning officer has returned Captain John Philip Nolan as being duly elected.

3. The said Captain John Philip Nolan, both before and during the said election, by himself and his agents, corruptly provided meat, drink, and entertainment for divers persons, in order to his, the said Captain John Philip Nolan, being elected at such election, and did also, by himself and his agents, wrongfully provide meat, drink, and entertainment for divers persons, electors of the said county of Galway, for the purpose of corruptly influencing such persons to give him their votes at such election.

4. The said Captain John Philip Nolan, both during and after the said election, did by himself and his agents, wrongfully provide meat, drink, and entertainment for divers persons on account of their having voted at said election, and for divers other persons on account of their being about at said election.

5. The said Captain John Philip Nolan, both before, during, and after the said election, was accessory to the giving of meat, drink, and entertainment, both to electors and other persons for the purpose of his being elected at the said late election, and for the purpose of corruptly influencing persons to vote at the said election, and did pay by himself and his agents the expenses incurred in providing meat, drink, and entertainment for divers persons for the purpose aforesaid, and was also accessory to the providing of meat, drink, and entertainment for divers persons on account of their being about to vote at the said election, and did pay, or cause to be paid, expenses incurred in providing meat, drink, and entertainment for divers persons on account of their having voted at said election.

6. In the aforesaid respects, and also in other matters, the said Captain John Philip Nolan was guilty of corruptly treating, both by himself and his agents, in relation to the said election.

7. The said Captain John Philip Nolan did, by himself and by other persons on his behalf, and by great and organised mobs, make use of, and threaten to make use of, force, violence, and restraint upon divers electors of the said county of Galway, in order to induce or compel said persons to vote at the said election, or to refrain from voting, and did threaten the infliction, by himself and other persons, of injury, damage, harm, and loss upon divers electors, in order to induce and compel such persons to vote, or to refrain from voting, at the said election.

8. The said Captain John Philip Nolan did, by himself and his agents, practise in other manner intimidation upon divers persons, electors of the said county of Galway, in order to compel and induce them to vote, and to refrain from voting, at the said election.

9. In the matters aforesaid, and in divers other matters, the said Captain John Philip Nolan was, by himself and his agents, guilty of undue influence and intimidation in relation to the said election.

10. And more especially the said Captain John Philip Nolan was guilty of such intimidation and undue influence by and through certain Roman Catholic clergymen acting for and on behalf of the said Captain John Philip Nolan, who both by addresses from the altar during Divine service and by other means, threatened loss and damage, and in other manner practised intimidation upon several of the electors, members of the Roman Catholic persuasion, in order to induce them to vote, or to refrain from voting, at the said election.

11. That

11. That immediately preceding and upon the Sixth day of February One thousand Eight hundred and Seventy-two, large mobs, consisting of friends and supporters of the said John Philip Nolan, assembled together in various parts of the said county, armed with sticks and divers others weapons, and did, by the general intimidation and terror which they caused and exercised, prevent many people from voting who would otherwise have voted for the Petitioner; and did cause many people to vote for the said John Philip Nolan who would otherwise have voted for the Petitioner, and were anxious to do so if they could without risk to their persons and lives.

12. That on the said Sixth February stones were thrown at, and blows struck, and physical violence offered to, the supporters of Petitioner, in order to intimidate the electors who intended to vote for him, the Petitioner, and by these means very many persons were prevented from voting for the Petitioner who had intended and promised to do so, and many of them were compelled and coerced to vote for the said John Philip Nolan.

13. That the said election and return were procured and obtained by the improper exercise of the spiritual influence of the Roman Catholic Clergy of the said county, applied and exerted in and throughout said county; and by denunciations directed by several of the said clergy against the supporters of the said Petitioner, and threats of temporal and spiritual ruin directed by said clergy against the supporters and intended supporters of the Petitioner.

14. That in addition to such public intimidation as aforesaid, many of the said Roman Catholic Clergy privately exercised private undue influence and intimidation upon the electors by threats of temporal and spiritual evil, against those electors who should support the Petitioner.

15. That the said election and return were procured and obtained by extensive and general violence and intimidation directed against the supporters of the Petitioner so as to deter and to terrify, and which did in fact deter and terrify, persons from voting for the Petitioner, and to compel them to vote for the said John Philip Nolan.

16. And your Petitioner says that by reason of the wrongful acts of the said Captain John Philip Nolan and his agents aforesaid, and by reason of each of them, the said Captain John Philip Nolan was disqualified and incapacitated from being elected as a representative for the said county of Galway, and his election and return were illegal and void.

17. That said John Philip Nolan did before, during, and after said election, by himself and his agents, provide and furnish divers banners, ribbons, scarfs, cockades, and like marks of distinction for divers voters, who voted for said John Philip Nolan at said election, and also provided and furnished divers bands of music for the purpose, and with intent unduly to influence said election, and unduly to control the free action of divers voters thereat, and also paid divers sums of money for said banners, ribbons, scarfs, cockades, and like marks of distinction, and said bands of music.

18. Your Petitioner did upon the Third day of February One thousand Eight hundred and Seventy-two, being the day of nomination, cause a notice to be posted in the vicinity of the place of nomination for the said county, and to be advertised in several of the newspapers published in the said county, and to be extensively posted throughout all parts of the said county, which notice was in the words and figures following:—

“ County Galway Election, 1872.

“ To the Electors of the County of Galway.

“ Whereas Captain John Philip Nolan, a candidate for the representation of the county of Galway, at an election now about to be held for the said county has, on divers occasions, by himself, his agents, and other persons on his behalf, been guilty of treating and undue influence in relation to the election aforesaid, in such manner and form as the said offences are defined and described in an Act of Parliament passed in the 18th year of Her present Majesty, and known as ‘The Corrupt Practices Prevention Act,’ and in the several statutes now in force relating to the said offences. And whereas by reason of the said acts of treating and undue influence, and by reason of each and singular of them, the said John Philip Nolan is incapacitated and disqualified from being elected as a Member of Parliament for the said county: Now take notice, that all votes given for the said John Philip Nolan at the said election will be thrown away, and wholly null and void.

“ James B. Concanon,

“ Conducting Agent for Captain the Honourable William Le Poer Trench, a candidate for the representation of the county of Galway at the approaching election.”

19. That on the Sixth day of February, being the day of polling aforesaid, your Petitioner caused a copy of the said notice to be served on each of the electors before voting for the said Captain John Philip Nolan, or upon a sufficient number of the said electors to have refused

reduced the poll of the said Captain John Philip Nolan below that of the Petitioner had such electors refrained from voting for the said John Philip Nolan.

20. That a large number of duly qualified electors of said county duly voted for Petitioner at said election.

Wherefore your Petitioner prays that it may be determined that he, the said William Le Poer Trench, was duly elected, and ought to have been returned, or that the said John Philip Nolan was not duly elected or returned, and that the election was void.

Wm. Le Poer Trench.

James B. Connon,
Agent for the Petitioner,
19, Middle Gardiner-street, Dublin.

Received 10th February 1872, *C. G. Burke.*

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE

TAKEN before the Right Honourable Mr. Justice Keogh, on the TRIAL of the GALWAY COUNTY ELECTION PETITION, at the Court House, Galway.

First Day.—Monday, 1st April 1872.

TERENCH	-	-	-	-	-	Petitioner.
NOLAN	-	-	-	-	-	Respondent.

Mr. Serjeant *Armstrong*, Mr. *Murphy*, Q.C., and Mr. *Parry*, appeared as Counsel for the Petitioner.

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1872.

Mr. *James B. Cusack* appeared as Agent.

Mr. *Madden*, Q.C., and Mr. *McDermott* appeared as Counsel for the Respondent.

Mr. *Thomas Higgins* appeared as Agent.

Mr. *David Ferguson* officiated as Registrar of the Court.

Mr. *B. W. Webb* and Mr. *William T. S. Hewitt* were sworn as the Deputies of the Shorthand Writer of the House of Commons.

Mr. *Edward Tait* was Usher of the Court.

Mr. *Madden* referred the Court to Rules 5 and 6 adopted by Committees of the House of Commons for the trial of Election Petitions:—That Counsel for the Petitioner should not go into matters not referred to in the opening statement without special permission from the Committee so to do; and that Counsel for the Petitioner should state full particulars as to their allegations of treating and undue influence. The learned Counsel submitted that these Rules (which he said had been adopted in the Drogheda case, tried before his Lordship) should be applied in the trial of this Petition.

Mr. Justice Keogh stated, that although he desired to follow as closely as possible the procedure and practice of the formerly-existing Election Committees of the House of Commons, the special reasons (such as distance from the locality, and the like) upon which the rules to which Mr. *Madden* had referred were founded, did not apply, now that the trials of Election Petitions were conducted in the localities themselves. He remarked that it was to be presumed that Counsel for the Petitioner would open their case fully, but without being rigidly tied down to minute details; and he said that although he would not seek to fetter Counsel in their conduct of the case, he would take care that the fullest opportunity should be afforded to the sitting Member of meeting any allegations which might be brought forward.

[Adjourned to To-morrow, at Eleven o'clock.]

Second Day.—Tuesday, 2nd April 1872.

This Petition against the Return of John Philip Nolan, and the Respondent's objections were entered.

2 April
1872.

Mr. Justice Keogh stated that the poll books under seal of the Registrar Office were within the precincts of the Court. He further stated that, with reference to the Rules which had prevailed in the House of Commons, he had before him the Report of the trial of the Mayo Election Petition in 1857, 241—I.

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in

8 April
1872.

in which case no rule had been made by the Committee as to giving the names of persons or of places with respect to whom, or in which, undue influence had been alleged to have been exercised; that having been a case specially of undue influence.

Mr. Sergeant Armstrong was in part heard to open the case on behalf of the Petitioner, and stated that Captain Trench not only submitted that the sitting Member had been unduly returned, but also claimed the seat.

[Adjourned to To-morrow, at Half-past Ten o'clock.

Third Day.—Wednesday, 3rd April 1872.

Mr. Sergeant Armstrong was further heard to open the case of the Petitioner.

Mr. CHARLES O'LOUGHLIN, sworn; Examined by Mr. Murphy.

Mr. C.
O'Loughlin,

3 April
1872.

1. You reside in this county?—Yes.
2. Is your father Crown Solicitor?—He is.
3. Are you a Catholic?—I am.
4. And your family?—Yes.
5. What is your usual place of worship?—Dunmore chapel.
6. Who is the parish priest there?—Father Duffin.
7. Is Father Loftus the curate?—Yes.
8. Had you been employed in any capacity on behalf of Captain Trench prior to the late election?—Yes, I was canvassing agent for Captain Trench.
9. Had you been so previous to the 14th of February?—I had.
10. The 14th of January was Sunday?—It was.
11. Were you at your place of worship, Dunmore chapel, on that day?—I was.
12. At what service were you?—Twelve o'clock.
13. Did Father Loftus officiate as priest at that service?—He did.
14. Did he make any statement from the altar referring to you by name?—He did.
15. What did he say?—These were the words: he said, "Chas. O'Loughlin had the audacity on Thursday last to canvass my voters."
16. Were these the words by which he introduced your name?—Yes.
17. Where was he when he referred to you so by name?—On the altar.
18. Was it after mass?—It was after he gave holy communion. He turned round, and began to speak about the election.
19. Were these the first observations with which he introduced any thing with reference to the election?—Before that he said that every one in the parish was for Nolan, except a few in this town.
20. Did he name the few in the town?—Yes, he was speaking of Mr. Griffith, and he said there was no such person as Mr. Griffith, but there was Mrs. Michael W. Griffith.
21. What did he say with reference to that lady further?—He said that she wore the breeches, and that he could not get a tailor in the parish to fit her.
22. Is Mr. Griffith the agent there of Mr. Deering?—He is.
23. Mr. Deering has a large property?—He has.
24. Did he say anything further that you heard with reference to that lady?—No, he did not;

but he was still speaking about the election, and he said that anyone who would vote for Captain Trench would go down to their graves with the brand of Cain, and their children after them.

25. Was this said previous to the introduction of your name?—No; it was said afterwards.

26. After he had introduced your name?—Yes.

27. Will you repeat again, after he had been speaking, the way in which he introduced your name?—He said, "There is Chas. O'Loughlin, the blackguard who canvassed my voters."

28. Do you recollect his saying anything with reference to St. Stephen's-day to you?—Yes; he said that I went round on Christmas-day to spoil our meeting on St. Stephen's-day, that they had in Dunmore.

29. Had there been, in point of fact, a meeting held in Dunmore on St. Stephen's-day?—Yes.

30. Where was it held?—

31. Mr. Macdougall.] Were you present at it?—No, I was not.

32. Mr. Murphy.] Was there a crowded congregation there at this time, when he used those words which you have mentioned?—There was; the chapel was crowded, and there were roars of laughter.

33. Had he his vestments on at the time?—He had.

34. Did he say anything afterwards that you heard which you particularly recollect?—Yes; he said, "I do not see any of them." That was after he had spoken of myself and my brother.

35. What did he say about your brother?—He said that my brother and I were the only supporters that Captain Trench had.

36. He said that you and your brother, and Mr. and Mrs. Griffith, were the only persons supporting Captain Trench?—Yes.

37. What did he say then?—He said, "I do not see any of them smiling down to-day from their pew," pointing to our pew; and he said that he would fill it on next Sunday with all the children of the town, and that we could turn round to Mr. Lyness (that is the Protestant clergyman) or anybody that we wished.

38. Was the pew to which he pointed the usual family pew of yours in the church?—It was.

39. Were there any of the ladies of your family there that day; your mother or sisters?—No.

40. But is that the church which they usually attend to?—It is.

41. Your

41. Your mother and your sisters?—Yes.
 42. Were you at the same church on the 4th of February?—I was.
 43. Who officiated on that day at the service which you heard?—Father Mullarty.
 44. Mr. Justice Keogh.] What day of the week was that?—Sunday.
 45. Mr. Murphy.] Do you recollect his making any allusion to the coming election?—He said that he hoped that every one in the parish would vote for Captain Nolan, and that any one who would not, would be an emissary of the Devil.
 46. Did he say anything further; do you recollect his using the word "jumper" at all?—

Mr. Macdonogh.] I object to that.

Witness.] No, I do not recollect that.

47. Mr. Murphy.] Did he say anything further in reference to Captain Trench?—I do not recollect.
 48. When was it that the Reverend Mr. Mullarty said this; at what part of the service; was it after the celebration of mass, or when?—After he gave holy communion.
 49. Had he his vestments on at the time?—He had.
 50. Was it from the altar that he spoke?—From the altar.
 51. Was there a large congregation there, then?—There was.
 52. Did he speak so as to be heard distinctly by the congregation, in a voice loud enough?—He did.
 53. Either before coming in to service that day, or after leaving it, did you see any flag on or above the church?—I did, hanging.
 54. Was it before you came out from the service that you observed it first?—It was when I was going in to service.
 55. Where was it displayed from?—From the belfry window.
 56. Were you able to see any of the devices on it, or to read anything on it?—Yes, I was.
 57. Tell me first what you read on it?—"Nolan, Galway;" the harp and the Irish wolf-dog.
 58. Were these the only two devices which you were able to recognise on it, the harp and the Irish wolf-dog?—"Nolan, Galway," first.
 59. Were there any other words which you were able to read?—"Nolan, Galway;" the harp and the Irish wolf-dog.
 60. Do you recollect the day of polling?—I do.
 61. Where were you on that day?—I was in Dunmore up to about 10 o'clock.
 62. Did you see Father Loftus in Dunmore that day?—I saw him that morning about eight o'clock, or between eight and half-past eight o'clock.
 63. Where were you when you saw him; were you in your own house?—I was standing at my father's gate.
 64. Was Father Loftus accompanied by any persons when you saw him?—Yes; I saw him coming up the town, and he walked a little before a crowd of people carrying a flag, and two men were carrying it on poles.
 65. Was there a crowd then following them?—A large crowd following them and he was shouting for Nolan; and he came opposite my father's hall door and he stood for a few minutes, and the crowd called for three cheers for Nolan; and he took off his hat and waved it and cheered

for Nolan, and said that they would hunt the Trenches before them that day like chaff, and he marched down the town again with the mob and the flag.

66. Did he stop again opposite your father's house, or did he only stop the one time that you have mentioned?—That was all.

67. Was he in front of the mob?—He was in front; he was not a yard from the front.

68. Were the two men with the flag close to him?—Quite close to him.

69. Could you go near at all to guessing what number was in that crowd?—There were over 100, I should say 150; it was a very large crowd.

70. When he halted opposite your father's house, did the crowd following him also halt?—They all halted.

71. Did anything occur to yourself on the night of the polling?—Yes; I was attacked.

Mr. Macdonogh.] Was it after the election?

Mr. Murphy.] Yes; on the night of the polling.

Mr. Macdonogh.] Was the election over before that?

Mr. Murphy.] It was, of course.

Mr. Macdonogh.] My Lord, I object to anything after the polling upon this Petition. There is no averment in the Petition, as I read it, of matters occurring after the election; the matter alleged is intimidation to procure a return. The matter was over then.

Mr. Justice Keogh.] I do not know what it is, but it may be evidence. It does not follow that because it is immediately after the election it may not be connected with it, for a variety of reasons which will occur to you at once; besides which the election is not over until the declaration of the poll is made.

Mr. Macdonogh.] Not in strictness, my Lord, as your Lordship says it may be evidence in another way.

72. Mr. Murphy (to the Witness).] What happened to you on the night of the polling?—I was attacked that night.

73. Where?—In the town of Dunmore.

74. In what part of the town were you when you were attacked?—In Hill-street I was attacked.

75. Was it by more than one person, or by a crowd?—By a large crowd.

76. Where did the attack first commence; can you remember in what shape it did commence; were you first assaulted, or were there shouts or cries?—One man shouted forth, "There is O'Loughlin, let us at him." He kept shouting, and people were rushing out, and they were gathering large mobs, and I kept walking away from them. Then I was obliged, from the stones thrown and mud, to go into a house, and the door of the house was broken in, and the windows were broken in. I summoned the parties to the petty sessions and to the justices here, and I convicted four of them.

77. How did you escape from that house?—An escort of the police came into the house.

78. Did they come in while the violence was still going on, after the door had been broken?—

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Five

Mr. C.
O'Loughlin.
3 April
1872.

Mr. C.
O'Loghlin.
3 April
1872.

Five policemen were there, and they did not think it safe to go into the house until they went up to the barrack for a reinforcement.

79. How many constables attended, in order to escort you out of the house?—I think it was nine or ten.

80. On what day did you appear before the petty sessions after that; about how long after that; was it in Dunmore?—I appeared on the 8th, I think.

81. Was it in Dunmore?—In Dunmore.

82. Was there any crowd assembled at the petty sessions?—There was a crowd there.

83. Were you interfered with in any way then, either coming to it or going from it?—When I was going into the court I was hissed.

Mr. Macdonagh.] I object to this.

Mr. Justice Keogh.] *Prius facie* it is not evidence.

Mr. Murphy.] It is a continuation of the same proceedings.

Mr. Justice Keogh.] I do not think that this is evidence until you connect the sitting Member in some way with it hereafter. Anything occurring at the petty sessions court is not evidence.

Mr. Murphy.] It was not anything occurring at the petty sessions court, except in the same way as the attack.

Mr. Justice Keogh.] That was the night before, or something of that kind; but I do not think that anything which occurred at the petty sessions is evidence.

Mr. Murphy.] We only, my Lord, bring it forward as referring back upon the attacks made at the church previous to the election.

Mr. Macdonagh.] Your Lordship has admitted the previous evidence of what occurred on the night of the poll, and immediately after the election. If they wish to prove what occurred at the petty sessions they should produce the record of the petty sessions.

Mr. Justice Keogh.] I think that they can do that if they like, but not as to what the mob did, in hissing or anything of that kind. Hissing, or disturbing, or applauding about courts of justice in Ireland is so common that I do not think that it is a matter of strict evidence as regards an investigation of this kind coming home to anybody.

84. Mr. Murphy (to the Witness.) On your way to the poll did anything occur to you; do you recollect that?—I do. When I was going up that day one of the horses stopped, and while they were trying to get him on I was attacked with stones and dirt, and I was struck; and I got a summons for it.

85. Was that from a crowd?—From a crowd; and as we were going on our way to Tuam there was a mob of about 200 people lined all along the road, and they were throwing stones, and bottles, and slates.

86. Did any of these tokens of regard which they were sending out reach you?—They did not reach me, because I held up my hand, and I was

protecting myself, and threw off some of the stones.

87. They reached you, I suppose, when they reached your hand?—Yes. They took the stones out of the ditch, and put them across the road. Some of them were about one hundred weight.

88. Was that to prevent the car from going on?—Yes.

89. It was a sort of barricade across the road; did they place many of these stones across the road?—They did. For about 50 yards the car could scarcely go.

90. Were you able to recognise any of the persons who were among this crowd. I know several of them who were in the crowd. We would not be able to go to Tuam that day, only that we had an escort of both police and Lancers.

91. Had you a portion of the escort in front of you in going?—Yes, we had the resident magistrate in front, and three or four Lancers, and at every car there was a Lancer on each side, and behind there were three or four Lancers.

92. Was it during the time that you were so surrounded by the escort that you were pelted in the way that you describe?—Yes.

93. Give me the name of any person whom you recognised or saw as a leader in that crowd, one or two on the road at the time?—There was no one on the road, except one or two, and the Lancers got at them, and they ran back.

94. In the field, just tell me some of those whom you recognised?—I saw two or three of Mr. McDonnell's boys there.

95. Who is Mr. McDonnell?—He is a gentleman at Dunmore, a large merchant in Dunmore.

Cross-examined by Mr. Macdonagh.

96. I am very happy to perceive that you are in good health?—Yes, I am.

97. You have not suffered any serious injury?—No, indeed.

98. You were not in the infirmary?—No, indeed.

99. You had no medical doctor attending you?—No.

100. Your beauty has not been spoiled; are you married?—No, I am not.

101. Then you do not understand what wearing the breeches is, do you; will not you submit with pleasure to that tender domination; now let me ask you as we have your private condition, what is your political occupation; are you a voter?—I am not.

102. You were not prevented from voting?—I was not.

103. And you approached the poll?—I did.

104. Who found you the car?—I got the car.

105. That is as the agent of Mr. Trench?—As the agent of Captain Trench.

106. I believe that he had all the cars in the county?—He had some cars.

107. He had a great many cars, had not he?—I do not know; I know that I employed some cars.

108. How many?—I employed the cars in Dunmore.

109. How many did you employ yourself?—I think about five I employed; I did not employ them, but the parties came to me to get employed.

110. And you retained them, did you?—I did not retain them.

111. Did all the five cars start with you that morning?—Some of them did.

112. How many of them did?—I think that there were four.

113. Were there voters on the cars?—There were voters and police on the cars.

114. And yourself as agent?—And myself as agent.

115. At what hour did you reach the polling place?—I think it was very near 2 o'clock before we got there; we had to go round, and did not think it safe to go through the town; we had to go round, we did not go direct.

116. And they voted?—They voted.

117. And in your presence?—And in my presence.

118. That was in the early morning; now we will keep to the day of the polling a little; about what hour did you leave Dromore to go to the polling place?—We did not leave Dromore until the Nolan party left, for they had the whole town and street blockaded.

119. They were so numerous, all the voters were against you; on your oath were they not?—It seems that they were.

120. Having read "Nolan and Galway," put aside those; have you any objection to the harp, or the Irish wolf dog?—Not the slightest.

121. And you did not think it any harm to have the harp, or the Irish wolf dog; you had not the slightest objection?—I did not.

122. On that day of the polling it was that you saw Father Loftus, and a great number of people, and the two flags at about 8 o'clock?—I only saw one flag.

123. And that was about 8 o'clock in the morning?—Yes, about that.

124. And I suppose you knew several parties in the crowd?—I knew several parties in the crowd.

125. And you knew the voters?—I knew some of the voters.

126. Were not there voters amongst that crowd?—No.

127. Are you sure of that?—I am certain; there might be one or two strangers that I did not know.

128. Where were the voters if they were not there?—They were down the town.

129. Did you see them all go off?—I did.

130. You were standing at your father's gate, it appears?—Yes.

131. And the Reverend Father Loftus had an opportunity of seeing you?—Indeed he had, and did see me.

132. And the crowd then called out for three cheers for Nolan?—Yes; I know the man who called out.

133. That is opposite the house of the agent for Captain Trench; close to the house?—I was the agent for Captain Trench.

134. I knew you were, and you were standing outside and the Reverend Mr. Loftus saw you?—He did.

135. And on that occasion no mischief was done to you?—No.

136. You have mentioned an expression which I do not exactly understand, but which I will make intelligible if I can. "He said that they would hunt the Trenches before them that day like chaff;" I suppose that you are a great master of figurative language?—Indeed, I am not.

137. Do you not think that he meant that they

would beat them at the poll like lightning?—I do not know.

138. We will go back to your earlier evidence, and dispose of it, I hope. May I ask you, was your pew in the church in a gallery?—It was.

139. Then the altar is below?—It is.

140. At a considerable distance from you?—I do not think that.

141. Is your pew in front of the gallery, or the rear?—It is the front pew.

142. Who was in the pew with you on that day when you told us that Father Loftus was speaking?—Matthew Jennings was in the pew.

143. What is he?—He is a clerk.

144. Is he here?—He is.

145. Are you apprenticed to an attorney?—I am not.

146. Are you in the habit of writing notes; are you a stenographer; do you know what that is?—I took notes that day.

147. Did you take them in the chapel?—Not in the chapel.

148. Have you the notes?—I have not got them here.

149. What did you do with them?—After mass being over I went up and I wrote down what was said, and I wrote to Mr. Connen.

150. I am not asking you what you wrote to anybody else, because that is not evidence, but I am asking you what you did with your notes?—The very minute after I went out of the chapel I went off, and I wrote what was said and sent it to Mr. Connen.

151. Have you ever seen it since?—I have not seen it since.

Mr. Sergeant Armstrong.] You shall see it now; it is a very convenient time to have it.

Mr. Macdonagh.] It is not a convenient time.

152. To the Witness.] I suppose that you, having been canvassing agent for so long, knew on that day when in the chapel, the 14th of January, the day that you thought to take the notes, and did take the notes, that your only chance was a petition, did not you?—I did not.

153. Did Mr. Connen tell you to take the notes?—He did not.

154. You did it of your own accord?—I did it of my own accord.

155. When you were first speaking of Mr. Loftus's statements yourself, what were the words which you uttered on this table?—What I swore that he said was, "There is Cha. O'Loughlin had the audacity on Thursday last to canvass my voters."

156. When you were examined before, by my learned friend Mr. Murphy, did you not insert the words, "There is Cha. O'Loughlin, the blackguard"?—He said it twice; he said, "Cha. went on Christmas Day and thought to spoil our meeting on St. Stephen's Day."

157. That is another matter; I will come to that in a moment, but when you gave your evidence the second time did you not insert the words "There is Cha. O'Loughlin, the blackguard, who had the audacity on Thursday last to canvass my voters"?—Yes, he said that.

158. Was it then that the people were in roars of laughter?—They were in roars of laughter when he said that, and before.

Mr. C.
O'Loughlin.
—
2 April
1874.

Mr. C.
O'Loughlin, at it.
3 April
1875.

159. Did you laugh at it yourself?—I laughed at it.
160. And really all the congregation were amused at it?—The whole congregation.
161. And, I suppose, that they were still further amused when he talked about Mrs. Griffith?—Indeed they were.
162. And you laughed heartily about it, did you not?—I did.
163. Are you quite sure about the expressions which you say he used as to anybody who would vote for Trench?—Quite certain.
164. But you do not recollect that he used the word "jumper"?—No, he did not.
165. Then now you know that he did not use that word?—I know it.
166. What distance were you away from him, do you suppose, when he was speaking?—About from this to the end of the court, or a little further.
167. What interval of time elapsed from the time you heard him speak until you wrote down the word?—The very minute that mass was over I walked up to the house and wrote it down.
168. What interval of time do you suppose elapsed?—I had not a watch with me.
169. In or about; I do not fix you to the particular time, a minute or a second, but about how long was it?—Half-an-hour.
170. Did you make more than one copy of it?—No, indeed I did not.
171. Was your brother Henry an agent also of Captain Trench?—He was.
172. Is he a professional man?—No, he is not.
173. What business are you of?—I farm.
174. On your own account?—Yes.
175. Then you ought to take to husbandry and get married; were you ever an agent at an election before?—I was.
176. You began very young; when was it?—For Mr. Mitchell Henry.
177. When there was no contest?—Yes.
178. Were you agent at the time when Lord Dunloe stood for the county?—No.
179. Mr. Mitchell Henry began with you, he initiated you, is that so?—I was employed for Sir Rowland Blennerhasset for the town.
180. That is the best thing I have heard of you yet; I ask you was your brother Henry also an agent?—No.
181. On this last occasion, at this election, was not he?—Do you mean for Captain Trench?
182. Yes?—He was.
183. Was Henry a voter?—No.
184. Was your father a voter?—He was.
185. Had he any other children to be employed?—No.
186. Then the two sons were employed as agents; how much were you paid?—I have not been paid yet.
187. That pleasure is to come; how much do you expect?—My cousin employed me, Mr. James Conneen.
188. You will have a liberal paymaster, you may depend upon it; how much do you expect?—That I cannot tell.
189. You will take all you can get, will not you?—Of course.
190. And so will your brother Henry, will not he?—I do not know about my brother; I answer for myself.
191. Did your father vote?—He did.
192. Was your brother fined 10s. for an assault

at the election?—No, nothing of the kind; he was not.

193. Are you sure of that?—Yes.

Mr. McDonogh.] Then I was misinformed.

194. Mr. Justice Keogh (to the Witness).] You mentioned the statement made by Mr. Loftus that anybody who voted for Captain Trench would have the brand of Cain, and so on. You say that he had his vestments on at the time?—He had.

195. At what period of the mass was it?—After he gave the holy communion.

196. Was it before the close of the mass?—It was in that chapel after giving the holy communion.

197. It was before the close of the mass?—It was.

198. And from the altar?—And from the altar.

Re-examined by Mr. Murphy.

199. Do you understand Irish yourself?—No, I do not.

200. Is that what you wrote down on the day which you sent to Mr. Conneen (*handing in a Paper to the Witness*)?—Yes.

Mr. Murphy.] My Lord, I beg to read this.

Mr. McDonogh.] I beg your pardon; you may use it as fresh matter.

Mr. Murphy.] You have asked him about it.

Mr. Justice Keogh (to Mr. McDonogh).] You asked him as to what was the document, and when it was made, and what was in it. They are entitled to read it.

201. Mr. Murphy.] "I hereby state that I was present on Sunday, the 14th January, at last mass, when the Rev. Mr. Loftus, in the course of his discourse to the congregation on the approaching election, spoke thus: 'Charles O'Loughlin, the blackguard, had the audacity to canvass voters on Thursday last, and that he went around on Christmas Day to prevent people from our meeting on St. Stephen's Day. Any man that would vote for Captain Trench would go down with the brand of Cain to their graves, and their children after them. Speaking of Sir Thomas Burke—' I shall not read that now, my Lord; my learned friend can see it if he likes. "The Reverend gentleman then spoke in Irish, with the challenge in his hand." Is that the fact? Did he speak in Irish?—When he was coming down from the altar he returned thanks for Mr. Hancock for the kind manner in which he acted; and he said something in Irish.

202. You did not understand Irish?—I did not.

203. Did any one furnish you with what purported to be a translation of what he said that day in Irish?—I was told—

204. Mr. McDonogh.] You were asked by my learned friend whether somebody had not told you the meaning of the Irish words?—Yes.

205. Who was that person?—A boy of my own.

206. Is that a farmer's boy?—A boy who works for me.

207. What is his name?—Pat Monaghan.

208. Can

206. Can he write?—He can.
 209. Was Pat Monaghan in the chapel with you?—He was in the chapel that day.

210. Was he in the pew with you?—No.
 211. Did you see him in the chapel that day?—I did.

212. What part of the chapel was he in?—He was in the body of the chapel.

213. Did you ask him to come out with you?—No.

214. Did he go up with you to where you wrote?—He did not.

215. When was it that he told you the meaning in English of the words in Irish?—Two days afterwards. He was working for me, and I had two or three men working, and they were disputing among themselves about what was said.

216. Then you did not hear what the meaning of the Irish words was for two or three days?—I did not.

217. Was that the paper which you produced to-day, as having been sent with your endorsement upon it, and your certificate to Mr. Concanen that day?—That is the paper.

218. And you sent it to Mr. Concanen, your cousin, within half an hour after you were in the church?—I did.

219. By post?—By post.

220. And by that time you had not learned the meaning of the Irish words?—I had not.

221. And you did not know their meaning for two days?—I did not.

222. Until the boy in the field told you?—Not in the field.

223. I do not care where it was?—I heard three men speaking amongst themselves.

224. It appears quite clear; you wrote it down all on the same day, of course?—Yes.

225. And in half an hour after leaving the chapel?—In half an hour after leaving the chapel, it might be more; it could not have been three-quarters of an hour.

226. Was it this boy who told you that Father Loftus spoke in Irish. Just look at the paper yourself. You have written, "He spoke in Irish and cursed Mrs. Griffith, saying that the curse of the congregation on all that she would handle or go through." Is not that it, on your solemn oath (*holding the paper to the Witness*)?—That is my writing.

227. And that was what you were told that he said in Irish, was not it?—It was.

228. So that you wrote the translation in English two days before you knew what the translation was?—I will explain that.

229. Do, if you can?—When I heard it first I was not sure that those were the words, because there were great contradictions as to what he said; but he told me two days afterwards positively that that was what he said.

230. Did you tell me a few moments ago that you never knew what he had said in Irish until two days after you sent this paper off?—I did not know it; I could not positively know it.

231. There was great contradiction as to what Father Loftus said?—As to what he said in Irish.

232. Who had the contradiction?—Several parties.

233. Who was it with you that they had the contradiction?—I heard them the Monday after, and on the Tuesday, and they were all speaking about it, and the people in the chapel were hitting their breasts at what was said.

241.—I.

234. Was there any contradiction on the Sunday as to what the Reverend Father Loftus said, on your oath?—I never heard it.

235. Then you heard no contradiction about what he said in Irish on the Sunday?—I heard it after that.

236. You heard it on the Tuesday, but you heard no contradiction or discussion about what he said in Irish on the Sunday; is not that the fact?—I heard parties speaking about it coming up from the chapel, when I was walking along.

237. But they did not tell you what he said in Irish?—I only heard what they were saying; when I was coming up from the chapel I heard parties speaking about the case. I wrote that then, and in two days afterwards I heard the same thing.

238. Was it after you overheard the people as you were going up from mass that you wrote down this?—It was.

239. What is the meaning of the two marks at the back of this paper?—I do not know.

Mr. Sergeant Armstrong.] If you look you will see that that was on the paper before it was used.

Witness.] On my oath, at the time when I wrote that I never thought that it would be brought here, or that there would be a Petition, but I had another reason for writing it.

240. Mr. Macdonogh.] Were these two marks there when you wrote on this paper?—I did not see.

241. When you came to the table to-day, did you profess to give to his Lordship the entire of what was said by Father Loftus in that chapel on that day?—Everything that I recollected.

242. When did you see this paper last?—I did not see it until it was handed here now.

243. Mr. Macdonogh.] I hereby state that I was present on Sunday, the 14th of January, at last mass, when the Rev. Mr. Loftus, in the course of his discourse to the congregation on the approaching election, spoke thus: "Cha, O'Leughlin, the blackguard, had the audacity to canvas voters" (not "my voters") on Thursday last; and that he went around on Christmas Day to prevent the people from our meeting on St. Stephen's Day. Any men that would vote for Captain Trench, would go down with the hand of Cain to their graves, and their children after them. Speaking of Sir Thomas Burke, he said he was in *déiríne creimeas* since the 13th of last month. The rev. gentlemen then spoke in Irish, with the chalice in his hand, and cursed Mrs. Griffith, saying that the curse of the congregation was on all that she would handle or go through." On your oath, is there one word of Mrs. Griffith wearing the breeches?—No; I thought that there was no occasion to write that.

Mr. Justice Keogh.] Let me see that paper.—(The same was handed to his Lordship.)

Mr. Macdonogh.] I wish to have a copy of it.

Mr. Justice Keogh.] You must give a copy of it to Mr. Macdonogh.

Mr. Sergeant Armstrong.] Certainly, my Lord.

Mr. Murphy.] My Lord, there was a petition of it read by my learned friend, Mr. Macdonogh,

Mr. C.
O'Loughlin.

3 April
1879.

Macdonogh, as to which I was not at liberty to examine the witness until cross-examination, namely, as to what was spoken in Irish.

244. (To the *Witness*.) Did he speak at any time in Irish?—He did.

245. During the time that he was speaking in Irish, were you able to recognize or to hear the name of Mrs. Griffith?—I could not swear that. All I know is that the people were hearing his address.

246. They were not laughing at that time?—No, they were not.

247. Coming from the church to your own house, was it then that you heard the people talk about what he had said about Mrs. Griffith?—It was.

PATRICK MONAGHAN, sworn; Examined by Mr. Perce.

Patrick
Monaghan.

248. Are you a Servant Boy in the employment of Mr. O'Loughlin of Dummors?—I am not a servant; I work for him; I am not a servant boy.

249. What are you?—I work for him.

250. You live at Dummors?—I do.

251. Do you go to chapel generally on Sunday?—I do.

252. Do you remember the 13th of January going to chapel?—I think I do.

253. What clergyman was it who said mass on that Sunday?—Father Loftus.

254. Do you remember Father Loftus saying anything in Irish, or making any address to the congregation in Irish, on that occasion?—I do.

255. Do you understand Irish yourself?—I do.

256. Will you tell me whether you remember his saying anything about Mrs. Griffiths?—

Mr. Macdonogh objected to this as a leading question.

Mr. Justice Keogh ruled that the question put was not a leading question.

257. Mr. Perce (to the *Witness*.) Will you repeat, in Irish, the substance of what he said in reference to Mrs. Griffiths; it is not necessary to say exactly the words, but as well as you remember, the substance of what Father Loftus said?—As well as I recollect it, he said (speaking in Irish); that is all he said at the time he was personal, but he was speaking.

258. Mr. Justice Keogh.] Repeat in Irish what he said?—I will repeat it. (The *Witness* spoke again in Irish.) That is as near as I can go to it.

259. Mr. Perce.] What is the English of that, to the best of your skill?—There is some of it that could not be given in English, but the other part of it is, that anything that she should handle or go through would have bad luck, I think.

260. What do you say that you cannot English?—(The *Witness* spoke again in Irish.)

261. Is it a curse?—I think it is a curse.

Mr. THOMAS JOSEPH REID, an Interpreter, was Sworn.

The *Witness* repeated to the Interpreter the words in Irish.

The *Interpreter*.] "May the curse of the congregation" (he does not know whether it was "curse" or something else) "be on

248. Was what you gathered up from them then, to the effect of what you have written down there?—Upon my oath it was.

249. And was it two days afterwards that you heard that confirmed by this man Monaghan?—By Monaghan and another man.

250. Mr. Justice Keogh.] When you speak of Mrs. Griffith, do you know what is her religious belief?—She is a Protestant.

251. She does not attend chapel then?—No.

252. What is Mr. Griffith?—A Protestant.

253. You said that Mr. Loftus said, "Mrs. Master W. Griffith." What is Mr. Griffith's name?—William.

[The *Witness* withdrew.

anything that she will handle or go through;" that is as near as he can recollect.

PATRICK MONAGHAN, cross-examined by Mr. MacDonogh.

262. Have you a very good memory?—Well, I have.

263. You understand both English and Irish, do you not?—I do.

264. Did you hear everything that was said by Father Loftus on that day?—I heard the greater part of it, I think.

265. Was there any part of it that you did not hear?—I do not think there was.

266. Are you quite sure that Father Loftus put the curse of the congregation on Mrs. Griffiths; is this Father Loftus in court (pointing to a person in court)?—Yes.

267. Are you quite sure that he put the curse of the congregation on Mrs. Griffiths?—That is what I am after saying.

268. Will you swear that he did?—I will swear that he repeated what I said, as near as I can get.

269. The Irish words that have been translated by Mr. Reid, "the curse of the congregation," will you swear that he put the curse of the congregation on her?—Either itself or the other part that I told him.

270. What is the English of the other part?—I do not know.

271. Will you swear that he put a curse upon her?—I will.

272. What is the curse?—That is the curse.

273. You say that you do not know it?—I do not.

274. Do you know what is meant by a curse?—I do.

275. Will you undertake to say what is the curse which he used on that day?—It is either the curse of the congregation or the other part, but I cannot English it.

276. Then you are not sure that he spoke of the curse of the congregation?—I am quite sure that he spoke of the curse of the congregation.

277. Will you undertake to swear that he said anything of the curse of the congregation?—I will not.

278. What is the Irish of the word "curse"? is not the Irish of the word "curse," *mealladh*?—I think so.

285. Do

*Petrick
Monaghan,*
3 April
1874.

285. Do you know Irish at all?—I do.
286. Do you swear that you do not know whether the word "month" is a curse?—I know it is a curse.

287. Did he use the word "month" at all on that day?—I do not think he did.

288. Did you not say to Mr. Reel a moment ago that you thought he used the word "month" on that day?—I did not.

289. Were you talking about that the moment you left the chapel?—There were several people talking about it.

290. Were you talking of it?—I was, I think.

291. Are you sure of anything?—I am; I am sure that I was talking about it at the chapel.

292. When did you tell it first to Mr. O'Loughlin?—I think on the Tuesday following.

293. Did you know at the time you told him that he had written off an account of it to Mr. Councen?—No.

294. Did he ever tell you that he had?—No, he did not.

295. Will you tell me now the English translation which you gave to Mr. O'Loughlin; will you tell me the exact words which you gave to Mr. O'Loughlin?—I and two more men were together, and we were talking about it.

296. Give me a direct answer to my question (which is plain) as long as you like; tell me exactly the words which you repeated to Mr. O'Loughlin?—The two—

297. Do not mind the two men; what were the words which you told him?—We were talking about it.

298. What were the words which you told him?—As near as I remember it was "the curse of the congregation, or so, on anything that she would handle or go through."

299. What is the Irish of the words "the curse of the congregation," taking those two words by themselves?—"Month an pappie," I think.

300. Did you swear to me a few moments ago that he never used the word "month" at all?—I said I was not sure.

301. On your oath will you say that he did not use the word "month"?—

Mr. Sergeant Armstrong remarked that the clergyman in question was sitting laughing at the witness, and in the most marked way interfering with the man's evidence.

Mr. Justice Keogh directed the clergyman in question to leave the court until the examination of the witness was over.

Mr. McDowell applied that the clergyman might be permitted to remove to another part of the court where the witness could not see him.

Mr. Justice Keogh adopted the suggestion, and directed the clergyman in question to go behind the witness. He said that no man could be served, but would rather be materially damaged by all such attempts at interference, and that if it became necessary, no matter what might be the consequences, he would expel from the Court any person whether peer or peasant, on whose part he discerned the slightest interference with any witness.

302. Mr. Maclennan (to the Witness). Did 241—I.

you swear to me in the hearing of his Lordship, that the word "month" was not used?—I could not say distinctly.

303. Did you say to me that it was not used?—I said I did not think that it was used.

304. If you now say that you do not think that it was used, what made you tell Mr. O'Loughlin that the words used were "Month an pappie"?—The older men than me was telling me at the time—

305. I ask you why you told Mr. O'Loughlin that the words used were the "curse of the congregation"?—I did not tell him at all; we were talking among ourselves, and he was in the same yard, and then he asked what it was at the latter end, and we up and told him.

306. Did you tell him?—Both of us was telling him together.

307. Did you tell him?—Yes we both of us was telling him.

308. Did you tell him?—I did not tell him in person.

309. Did you tell him in person?—I am not sure which of the two told him.

310. Will you undertake to say that you told him in person?—I will undertake to say that we were both together at the time, and we were speaking Irish among ourselves.

311. Did you tell him in English that the words used were "the curse of the congregation"?—I do not know whether it was I that told him or the other man.

312. Will you undertake to say that you told him at all?—I was telling him.

313. But did you tell it to him; you told me a moment ago that you did tell him; you say now that you will not undertake to say that you did tell him; which is true?—Both me and the other man were telling him.

314. Did the other man tell him that the words used were "month an pappie"?—Both was speaking together.

315. Did both of you say it to him?—Both of us said it to him.

316. Did you say it to him?—Well I do not know which of us said it to him.

317. Did you say to him that the words used was "month an pappie"?—I am not sure that it was "month an pappie" or "the curse of the people."

318. Did he use any words signifying curse; tell me any Irish word for "curse" except "month"?—Several.

319. Tell me any one except "month"?—That is it.

320. Do you know any other word for curse except "month"?—I do not know.

321. Do you not say that you think that the Reverend Mr. Loftus did not use the word "month" at all?—I will not say whether it was it or "no."

322. What is "no"?—"Melt."

323. So that he might have said the word "no" to her; how long was he speaking in Irish?—He was speaking a good while, but he was not long speaking at the time he cursed; only three or four words.

324. Was Miss over at the time?—It was not.

325. And the people, I suppose, were beating their breasts?—Yes they were.

326. Were you hearing your breast?—I was not.

327. You were not horrified at it?—I was not.

328. Were

*Patrick
Managhan.*

328. Were you laughing?—I was not.
329. Have you an ambition to be a petty sessions' clerk?—I have not.
330. Had you been looking for the office?—I was going to get it at one time.
331. Were you not trying to get it?—I was not.
332. Who was going to give it to you?—I was going to be a petty sessions' clerk.
333. Were you going to be a summons server?—Yes.
334. Who was going to give it to you?—The

man that was in it died and I thought to get it then.

335. From whom?—From Mr. Reilly and Mr. O'Longhina.

336. Who is Mr. Reilly?—He is a magistrate.
337. When were you looking for it?—Last summer; it was last June or so.

338. You are a very intelligent fellow, I believe; a smart fellow, and fit to serve summonses?—I think so.

[The Witness withdrew.]

Mr. JOHN BLAKE, sworn; Examined by Mr. Sergeant Armstrong.

*Mr.
J. Blake.*

339. You are a resident in the county of Galway?—Yes.

340. And a Catholic?—Yes.

341. And I believe you are on the grand panel of the county?—Yes.

342. What is the name of the chapel which you attend?—Cranghwell.

343. Who is the clergyman there; do you know the Rev. Bartholomew Quinn?—I do.

344. Is he the parish priest, or a curate?—A curate.

345. Is he long stationed there?—Not very long.

346. Who was his immediate predecessor?—The Rev. Mr. O'Flanagan.

347. About how long is it since the Rev. Mr. O'Flanagan left it; is it since this agitation began about the election?—He left it before the election.

348. Is it since last summer that he left it?—Yes.

349. Did you attend that chapel of Cranghwell on any Sunday before the election?—I did.

350. I allude to a particular Sunday upon which something was alleged to have been said by the Rev. Father Quinn; were you there on that occasion?—I was there there almost every Sunday.

351. Did you hear him from the altar on any of these Sundays say anything in reference to the conduct of people at the coming election?—I did.

352. Will you have the goodness to state the substance, as far as you can with accuracy (as no doubt you will), of the words which you heard him announce from the altar; you are not expected to give the precise words, but as far as you can you are bound to give us the substance of course; first, could you give us the Sunday?—I could not.

353. Do you know whether it was the 14th or the 21st, or what day it was?—I could not say.

354. Will you give us the words?—On one occasion he said, "Any man who votes for Captain Trench should be shunned as if he had small-pox or typhus fever."

355. Did he on that occasion say anything more as to how that person would be regarded in his religious character?—I do not recollect his saying anything of that sort.

356. Where was he when he used those words about the typhus fever and small-pox?—At the altar.

357. Was he in his vestments?—He was.

358. Was it during Divine service?—It was.

359. Was he addressing the congregation?—Yes.

360. The usual congregation?—Yes.

361. Did you, upon any other occasion, hear him make use of any language in reference to the election from the altar?—Yes, I heard him speak about the election on different occasions.

362. Will you be good enough (I do not care so much for the dates as for the substance of what he said), to recall to your recollection what he did say?—On one occasion he commenced his discourse by saying, "This is not an ordinary election, it is not a contest between Captain Trench and Captain Nolan, but a contest between faith and," (I think the word was) "infidelity;" but I am not very sure, it was some such words as that. I do not recollect anything else.

363. Did he say anything else as to the status or position of the Catholics who would vote for Captain Trench?—Not that I recollect.

364. Upon any other occasion did he address his congregation in reference to the election?—I do not recollect any.

365. Do you recollect his saying in what way Catholics would be regarded who would vote for Captain Trench?

Mr. Macdonagh objected to the question.

366. Mr. Sergeant Armstrong (to the Witness). Do you recollect his saying anything as to how they would be regarded by the Catholics or the other clergy?—I do not recollect his saying anything more.

367. Did he on several occasions use this language in Divine service from the altar?—Yes.

368. Is that the church which Mr. Thomas Joyce was in the habit of attending?—Yes.

369. You have been in the habit of attending there; have you observed that Mr. Thomas Joyce's seat was in the society of the church?—I knew it was in the society.

370. He is a Roman Catholic, is he not?—Yes.

371. I suppose that you knew that he was a supporter of Captain Trench?—Yes.

372. Was his seat continued in the society after he avowed his support of Captain Trench?—I never knew it was put out of the society.

373. You do not know that?—No.

374. Upon how many different occasions did you hear this reverend gentleman, Mr. Quinn, speak from the altar on the subject of the election; was it twice or three times.

Mr. Macdonagh remarked that the Witness had already stated that it was on two occasions.

375. Mr. Sergeant Armstrong (to the Witness). You

You do not fix in to two or three; was it on three occasions?—It was certainly on two occasions.

376. Are you able to say one-third?—No, I am not able to say that it was on a third.

Cross-examined by Mr. Meadows.

377. I understand from you that this was your parish chapel?—Yes, Craughwell.

378. How far is it from your residence?—About two miles.

379. You are a regular attendant at Divine worship?—Yes.

380. And I presume the members of your family also?—Yes.

381. You were asked a question about the Rev. Mr. O'Flanagan; can you fix the time when he left the parish?—I cannot fix the exact time.

382. It was in the summer of last year, in 1871?—It was in 1871, I think.

383. I understood you to say that it was in the course of the summer?—It was since the summer.

384. But you cannot fix the time for me?—No.

385. Can you at all tell me whether the expressions which you heard used on that occasion were in the course of last summer, or last autumn?—What I heard?

386. What you heard; what you stated?—Since last summer I heard them.

387. Could you at all go near the dates?—Since Christmas.

388. It is not to be expected that you can fix it more nearly. Of course you did not take down any part of them in writing?—No, I did not.

389. Is this clergyman a young man?—He appears to be.

390. I do not know him?—Neither do I personally.

391. Could you at all say whether what you are stating to his Lordship is the substance, as it struck you, or do you give the words as well as you can remember?—With regard to the typhus fever and the small-pox, I believe those were his exact words, as far as I can recollect.

392. Do you happen to know that the great majority of the voters of this county are Roman Catholics?—I think so.

393. There is no doubt about that, I believe?—I think not.

394. A very considerable body of highly respectable Catholic gentry are in this county; is not that so?—Yes.

395. May I take leave to ask you whether the great majority of the tenant farmers are not Roman Catholics?—They are.

396. I take it for granted that you have been very frequently at elections in this county since you reached your full age?—Not very frequently.

397. Were you at the election at which Lord Dunboe stood, when Sir Thomas Burke and Mr. Gregory were returned?—It was when Lord Dunboe stood for the county.

398. Were you at the Loughrea meeting?—No.

399. Did you receive the notice or circular from Mr. Daly, a gentleman of rank in this county?—I received a circular.

400. Have you got it about you?—I have not.

401. You did not preserve it?—No.

402. You did not think fit to go?—I could not go.

403. You know that words are very difficult to be remembered, are they not?—Yes; I find it very difficult.

404. I rather think that your experience in life will tell you that two persons of the highest credit, supposing we take gentlemen as respectable as yourself, hearing a conversation might, both intending to tell the truth, slightly vary; might not that be so?—It would be quite possible.

405. Could you undertake to say that what this reverend gentleman said on that first occasion was not this: that any voter who voted against his conscience should be shunned as if he had the small-pox or typhus fever; could you positively say that that was not what Father O'Flanagan said?—I should have thought that he said "Captain Trench."

406. I am sure that what you think, or believe, must be true, but you do not recollect it?—I do not recollect the word "conscience" being used in what I heard stated.

407. May he not have used the words, that any man who would vote against his convictions and his conscience for Captain Trench ought to be shunned?—What I stated just now was that any person who voted for Captain Trench should be shunned as a man having small-pox or typhus fever. That is what I understood him to say. He may have spoken on other occasions about convictions, of course; but upon this particular occasion, I think that those words which I have stated were the words which he used. As well as I recollect those were the words.

408. Was he mentioning the circumstance that Captain Nolan had the advantage of being in a Roman Catholic county a Roman Catholic?—Not that I recollect.

409. When he made use of the expressions as to any one who would vote for Captain Trench, when he was speaking of the particular contest, and saying that this was not an ordinary election, that it was not between Trench and Nolan, but between faith and infidelity; did you not understand him to mean between the Roman Catholic faith and what he would consider any heretical faith?—Yes, that is what I understood; I should say so.

410. Had he spoken at any length upon that latter occasion?—Not very long.

411. Do you remember his mentioning the subject of education in which the Roman Catholic clergy felt the deepest interest?—Very likely he did; I do not know.

412. I will try if I can refresh your memory; did he not express to the people the deep interest in this great public question which the Roman Catholic clergymen have so much at heart, namely, the education of their children in early youth, and teaching them their own religious belief; do you remember his saying that?—I do not.

413. Do you remember his speaking about the propriety of supporting Mr. Gladstone, who had done what the reverend gentleman thought was so desirable to abate the inequality of the churches?—I do not.

[The Witness withdrew.]

Mr.
J. Roche.
a April
1872.

Mr. CHARLES G. COTTINGHAM, sworn; Examined by Mr. Murphy.

Mr. C. G.
Cottingham.

11 April
1875.

414. You reside in this county?—Yes.
415. I believe that your father is coroner of the county?—Yes.

416. You are a member of the Catholic Church?—Yes.

417. Is your usual place of worship Moycullen?—No, Oughterard.

418. Do you occasionally go to Moycullen?—Yes; I went there from the 1st of January up to the election.

419. Do you recollect being there up to the 21st of January?—I was there every Sunday, from the 1st of January up to the election.

420. Do you recollect on the 21st of January seeing Father Kenny officiate there?—I do not recollect the date.

421. But you recollect on one occasion seeing Father Kenny officiate?—Yes.

422. Is he the parish priest of Moycullen Church?—Yes.

423. Do you recollect his making any allusion to the coming election?—Yes.

424. Do you recollect anything he said in reference to Captain Trench, and those who would vote for him?—Yes, he said that any one who voted for Captain Trench should render an account for it.

425. Did he say anything further about the account, or how it should be cast up?—He said a great deal about Captain Trench and his family, and his father.

426. What did he say about them?—He said that his father was one of the great enemies of the Catholic faith and religion, and that they would not have that house over them if Captain Trench's father could.

427. Did you hear him say that more than once?—I think I did.

428. Did you hear him say that any one who voted would have to account for it, more than once?—I would swear that I did.

429. Do you recollect his saying anything about any Catholics who would not vote for Captain Nolan?—No, I do not; I do not think I do.

430. At what time was it that he said that they would have to account for it; was it while he had the vestments on, or after he had taken them off?—While he had them on, from the altar.

431. Did you hear him say anything about the means of getting to the poll, about cars or anything of that kind?—Yes.

432. What did he say about that?—He appointed as beer for all the voters in the parish to meet at Moycullen at 10 o'clock, and said that he would accompany them into Oughterard, and that they were to go on and meet the Kiltmarno tenants (that was part of Father Cooney's parish), and that they were all to go on together.

433. Did he say how they were to travel?—He said that he hoped that any one who had a horse or a car would bring it himself, and asked all the people about the place to bring their carts, and said that they would get 7 s. 6 d. a day.

434. When he said that any person who would vote for Captain Trench would have to account for it, I asked you before did he say how they would have to account for it, or where, or when?—I do not remember; he said something, but I am not clear upon it.

435. What was it he said to the best of your recollection; give us what was said at the time that he used the words, that the people would have to account for it?—It was in Irish that he spoke; I think it was "the other world."

436. You think that there was something about the other world in it?—Yes.

437. Do you know the name of the curate of Father Kenny?—I never met him; I think Kearney is his name.

438. Did you ever hear him making any allusion to the election on any day in the church?—Yes, the curate did; but I do not know him personally.

439. Did you hear him make any allusion to the election or to Captain Trench?—Yes; he spoke of it, but he said that he did not think that there was occasion for him to say much, as Father Kenny said quite enough.

440. Did he say anything besides when he said that there was no occasion for him to say much, as Father Kenny had said quite enough; what was the little that he did say, or did he say anything after that?—I do not remember what he said; he said that there were parties, or a party coming into the parish to canvass for Captain Trench, and if they persisted in doing so consequences would be more serious than they expected.

Cross-examined by Mr. Macdonald.

441. You say that you attended at this chapel from the 1st of January to the time of the election?—Yes.

442. That was not your usual chapel?—No.

443. Did any other member of your family attend there during that time?—No; I do not think there was any other members of my family attended there during that time.

444. I suppose that you very accurately observed everything that was said by the priest during the time that you attended the service?—I paid pretty good attention to it.

445. Did you pay any special attention to it?—No, indeed, nothing special.

446. Could anything have been said, probably without your hearing it?—He said a great many things that I did not mind much.

447. Would you not have minded it more if you had had to give an account of it?—At the time I did not think that I would have to give an account of it.

448. What brought you there?—I went there on business.

449. What was the business?—I am barony constable.

450. How long have you been barony constable?—For two or three years, I think.

451. What business brought you there?—It was the practice there for years to receive the cess from some of the people who had to come a long distance, and they requested me, when I was appointed, not to change the system, but to go there on Sundays for their accommodation.

452. And was it for the purpose of collecting cess that you went there every Sunday?—It was.

453. You swear that?—I do.

454. Had you no other object?—No other object.

455. To

455. To whom did you first give information about these words, "reader an account for it?"—I told it to a cousin of mine, Mr. O'Flaherty.

456. Which Mr. O'Flaherty?—George E. O'Flaherty.

457. Was that with a view to the election petition?—I did not think that there would be a petition at the time I told him.

458. When did you tell him?—It was, I think, about three weeks or a month before the election.

459. How soon did you tell him after the words were spoken?—I think I told him, in a few days, but I could not say exactly; I know it was not very long.

460. Were you greatly struck by the words?—I was, because I heard different remarks passed upon them after the mass.

461. Was it after mass that you heard the remarks?—No.

462. Did you take a note of the words?—No.

463. Do you know Irish?—Yes.

464. Were the words used in Irish?—He generally speaks it in English first and then in Irish afterwards, or in Irish first and in English afterwards.

465. Did he speak them in English and in Irish?—He generally does.

466. Did he speak in both on this occasion?—I cannot swear that he did.

467. You do not recollect very accurately whether he spoke about the next world in Irish. Did he speak it in Irish?—Yes, I think he did.

468. Will you give me the Irish phrase?—*The Witness spoke in Irish.*

469. Can you translate that?—"They must account for it in the next world."

470. Will you swear that he said those words?—Yes; I will not swear positively that he said those words which I translated "the next world"; but I think he did.

471. You will only swear positively that he said that they would have to account for it?—Yes.

472. Have you been acting as agent in this election for anybody?—Yes; for Captain Trench.

473. When were you first employed by him?—I could not give you the date now.

474. You must give me some idea of the time; do you remember when the Loughrea meeting was held?—Sometime in January, I think.

475. Where you employed by him at Christmas time or in December?—I will not swear; I could tell you if I had letters.

476. You must try and form a conjecture; just remember the time of Christmas when men look for votes; were you engaged at that time?—I do not think I was; I think it was about January.

477. About the beginning of January?—I am not quite sure, but I think so.

478. Were you his agent at the time when you were attending at this chapel to receive public cess?—I was.

479. Did you think that as his agent you were employing yourself usefully in watching what was said?—I think I had a right to do it.

480. You had a right to do it as his agent?—Yes.

481. You thought that as his agent, you had a right to watch what was said?—Yes.

482. You did occupy yourself in watching what was said?—I did for the last two or three Sundays that I was there.

483. Was that with a view to a petition?—It was for the last two Sundays that I was there.

484. Were you told to watch?—I was.

485. And you were watching; was it after you were told to watch that you heard him say the words that they would have to give an account for it?—No.

486. So that after you were told to watch you did not succeed in detecting anything wrong?—No.

487. Who told you to watch?—Mr. Connean.

488. Do you mean Mr. James B. Connean, my friend opposite?—Yes.

489. Did he tell you to take notes of what was said?—No.

490. Will you undertake to say that you were not canvassing for Captain Trench as long back as last November?—I do not think I was.

491. At all events you have nothing worse to say against those gentlemen than what you have told us?—No.

492. I suppose that you know the people of that district very well?—Very well.

493. I believe that it is a very Catholic district, is it not?—Yes.

494. As a matter of opinion, if neither priest nor landlord interfered, which would the people rather vote for, Captain Nolan or Captain Trench?—I think that if they were not interfered with, Captain Trench would have a good share of them.

495. Just attend to me. You were canvassing; supposing that the landlords did not express any desire on their part for Captain Trench, and that the priests did not express any desire on their part for Captain Nolan, and supposing that they were told by the landlords and priests that they did not care a straw which they voted for, and that they might vote for whom they liked, what do you think would be the result?—I know that the people in Oughterard, my own parish, would vote for Captain Trench.

496. Under your investigation?—I will not speak for the Moyneen people.

497. Who is the landlord in Oughterard? There are a good many landlords.

498. Are those people Catholics?—They are.

499. Why do you think that those people would vote for Captain Trench?—Because Captain Nolan has no favour there.

500. Is that on account of the Port-a-Carron eviction?—Yes.

501. Was that the reason?—Yes; I think that was a very fair reason.

[The Witness withdrew.]

Mr. THOMAS CLINTON DAVIES, sworn; Examined by Mr. PRIDE.

502. Are you in the habit of attending Craughwell Chapel?—Yes.

503. Do you recollect attending there last January?—I do.

504. Who performed mass on the Sundays on which you attended?—Father Quinn.

241—I.

505. Is Father Quinn the curate of the parish?—Yes.

506. Did Father Quinn make any allusion to the approaching election?—He did.

507. Did he make any allusion to the Catholics

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who

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T.C. Davies.
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who were about to vote for Captain Trench?—He did.

508. Will you tell me what he said in reference to that?—He said that those who would vote for Captain Trench ought to be shunned, as if they had the typhus fever or small-pox.

509. Did he say anything as to the estimation in which they would be held by other Catholics?—No, I did not hear him.

510. Did he use any expression in reference to such Catholics about to vote for Captain Trench, implying that they would consider?—

Mr. Macdonagh objected to the question.

Mr. Justice Keogh allowed the objection.

511. Mr. *Perce* (to the Witness).] Did he say how they would be considered by the other Catholics?—What he said was this, "Those who would vote for Captain Trench ought to be shunned as if they had the typhus fever or the small-pox." That is what he said as well as I remember.

512. You know Mr. Thomas George Joyce of Rahusam. He and his family used to sit in the sacristy of the chapel?—Yes; they were in the habit of hearing mass in the sacristy.

513. Has that been changed; do they now occupy the sacristy?—No.

514. When did they cease to occupy it?—I think a short time before the election.

515. Are you aware that Mr. Thomas Joyce was a supporter of Captain Trench?—I am.

516. Have you observed whether the pew which Mr. Joyce used to occupy in the sacristy is there now?—No, I have not been in the sacristy for the last year.

Cross-examined by Mr. Macdonagh.

517. Then you have not been in the sacristy since April 1871?—No, I think not.

518. Have you been at that chapel since that frequently?—Yes, several times.

519. Do you sit in the gallery?—No, in the body of the chapel.

520. Of course Mr. Joyce knows better when he ceased to occupy a seat in the sacristy than you can possibly know?—Of course.

521. Can you give me the time when you heard Father Quinn the curate, speak upon the subject of the election?—It was about the middle of January, I think, as well as I can remember.

522. Might it be early in January?—No, about the middle; about a fortnight or three weeks before the election.

Mr. EDWARD DAVIES, sworn; Examined by Mr. Sergeant Armstrong.

523. I BELIEVE that you are the brother of Mr. Thomas Davies?—Yes.

529. Are you a Catholic by religion?—Yes.

540. Are you in the habit of attending at Craghwell Chapel?—Yes.

541. Do you know the Rev. Mr. Quinn?—Not personally.

542. But you know the gentleman that I refer to?—Yes.

543. He is one of the officiating priests there?—Yes.

544. Were you in attendance at that chapel in the month of January last?—Almost always.

545. Do you recollect his addressing the com-

gregation from the altar in reference to the ap-

proaching election?—Yes.
546. Did that occur on more occasions than one?—I think it occurred on two or three occasions.

547. Those were all in January; we will take them as far as we can in order of time. On the first occasion will you state the substance of all that he said, to the best of your recollection?—

He said that any one who would vote for Captain Trench should be looked upon and shunned as if they were infected with small-pox or typhus fever; I am not sure whether he said more than that on that day.

548. Upon

523. Are you a voter?—No.

524. I presume that you not being a voter, did not pay very marked attention to what was said?—Well, I could not but hear; I did hear what was said.

525. You could hear it?—Yes.

526. How near were you to the gentleman when he was speaking?—About 10 or 15 yards from him, I should say.

527. You have no memory of anything else but that single sentence?—Oh yes, I have.

528. You have stated all that you heard?—Not all.

529. Would you kindly give me the precise name of that chapel?—Craghwell.

530. Do you know that that is not Mr. Joyce's chapel at all?—Well, yes, I heard so.

531. You heard what?—It was not his parish chapel.

532. Do you know which his chapel is?—I think a chapel in Kereveagh.

Re-examined by Mr. *Perce*.

533. You have stated to my learned friend Mr. Macdonagh, that you had heard some other matter stated by the Rev. Mr. Quinn; you must, if you please, state everything which he said, as well as you recollect, in reference to the election?—On the first occasion he said that this was not a contest between Captain Trench and Captain Nolan, but a contest between faith and unbelief. Then he said on the following Sunday, "I heard persons say they would vote for Captain Trench, and use all the influence in their power for Captain Trench. If those persons do not retract I will positively denounce them at the altar on the following Sunday." Then he went on to say that those who would vote for Captain Trench ought to be shunned as if they had the typhus fever or small-pox.

534. Mr. Macdonagh.] Does your memory improve as your age advances?—I bat is for his Lordship to see.

535. May I beg leave to ask the precise words?—(The shorthand writer read the last answer but one.)

536. Mr. Macdonagh (to the Witness).] It was a contest between faith and unbelief?—Yes.

537. Did you not understand by those words that it meant a controversy or a contest between the Roman Catholic faith and any heretical faith?—Yes, that was it.

[The Witness withdrew.]

538. I BELIEVE that you are the brother of Mr. Thomas Davies?—Yes.

539. Are you a Catholic by religion?—Yes.

540. Are you in the habit of attending at Craghwell Chapel?—Yes.

541. Do you know the Rev. Mr. Quinn?—Not personally.

542. But you know the gentleman that I refer to?—Yes.

543. He is one of the officiating priests there?—Yes.

544. Were you in attendance at that chapel in the month of January last?—Almost always.

545. Do you recollect his addressing the com-

gregation from the altar in reference to the ap-

proaching election?—Yes.

546. Did that occur on more occasions than one?—I think it occurred on two or three occasions.

547. Those were all in January; we will take them as far as we can in order of time. On the first occasion will you state the substance of all that he said, to the best of your recollection?—He said that any one who would vote for Captain Trench should be looked upon and shunned as if they were infected with small-pox or typhus fever; I am not sure whether he said more than that on that day.

548. Upon

548. Upon any other day do you recollect his saying anything else about the character of the contest?—I could not bear what he said about it; but he said that there were some persons in the parish who had promised to support Captain Trench, and that they would use all their influence for Captain Trench, and he told those persons if they did not retract before next Sunday, he would denounce them from the altar.

549. Was it from the altar that he used this language?—Yes.

550. Was it during Divine service?—Yes.

551. Was he in his sacerdotal vestments?—Yes.

552. Was there a large congregation?—Very large.

553. I suppose there generally is. The people are mostly Catholics, I believe, in that neighbourhood?—Yes, a great number of them are.

554. Have you stated now all as to which your memory serves you, or does any other matter dwell upon your recollection?—Nothing else about the election.

555. Do you know whether there were voters in the chapel on the occasion or not?—I believe there were some.

Cross-examined by Mr. McDermott.

556. You say that it was during the service. I presume that you mean the time after what is called the communion: the post-communion?—Yes.

557. Is that not the time when clergymen usually make observations to their flocks?—Yes.

558. Before they read the prayer for the communion?—No, afterwards; it is before they give the benediction.

559. Have you been long attending that chapel?—I have for the last twelve years.

560. Is not that the very time at which they have always given every description of admonition to their flocks?—Yes.

561. You were not surprised at their addressing their flock at that particular time?—Not at all; that is the usual time.

562. I believe, as a matter of fact, that if they postponed their observations until they had taken off their vestments, their flock would be gone, would it not?—I believe they would, unless they told them to remain.

563. Was it upon the same occasion that the reverend gentleman said that they should be stunned as if they had typhus fever, and that he should denounce those who had promised their influence from the altar?—I cannot say whether it was upon the same occasion or not; I know he said both.

564. Will you state whether it was on several occasions, or on the same occasion?—I cannot say.

565. You are in the dark about that?—Yes.

566. Have you got a wife?—No.

567. Has your father a wife?—Yes.

568. I suppose you are supporters of Captain Trench?—Yes; he supported Captain Trench.

569. Were you employed in any way during the election?—No, indeed.

570. Was your brother?—No, none of us.

571. Were you canvassing for him?—No.

572. Did you make any note of the observations that were made by the reverend gentleman?—I did not.

573. Did your brother make any?—Not to my knowledge.

574. To whom did you first tell those observations of Father (quit from the altar)?—I told them to my mother when I went back.

575. When did you first tell it to any agent of Captain Trench's?—I never told it to any agent of Captain Trench's.

576. Did your brother tell it?—I do not know whether he did or not; I never told it.

[The Witness withdrew.]

Mr. MARCUS LYNN, sworn; Examined by Mr. Murphy.

577. You are a Deputy Lieutenant of this county?—Of the county of the town.

578. You reside at Barnagh, near this town?—Yes.

579. You are a Catholic?—Yes.

580. Do you recollect being at Athenry church, attending your service, some time previous to the election?—I do.

581. Do you recollect hearing the Reverend Mr. O'Grady speak at the altar in reference to the approaching election?—I recollect the priest speaking; I believe his name was Father O'Grady, but I am not quite certain.

582. Do you know the name of the parish priest at Athenry church?—I am not certain of it; I think it is Father O'Grady, but I am not certain.

583. What was it that he said in reference to the coming election?—He first said that he addressed the congregation because he was in bad health, and there was going to be a public meeting in a few days afterwards, and he was not certain on account of his health of being able to attend there. Then he spoke of a gentleman who had been supported for a long time by the priests of the county turning against them.

584. Did he mention that gentleman by name?—Yes.

—I do not recollect; I am speaking now from memory. I took no notes, and I can only speak to the best of my belief.

585. Will you continue your statement?—Then he continued to say that the Protestants in the reign of Elizabeth had demolished a great many churches about Athenry. As well as I remember, he continued then to say that the Catholic clergy had acted as defenders of the liberties of the people; that there were a great number of them (I think he mentioned the number of 1,200) then or about that reign, who had been put to death, not in Athenry, but altogether.

586. In the Island of Saints generally I suppose?—I do not know whether it was in the Island of Saints, or in Ireland or in England, but in the British dominions. He said that about that number were massacred for the sake of their religion, and that they were massacred by the same faction to which Captain Trench belonged, not the family, but the same faction, co-religionists. Then he said a good deal more. I cannot follow exactly all that he said, but he concluded by giving the congregation to understand in his own words, that the sacrifice which those men had made of their lives would be thrown away if they voted for Captain Trench, and he

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Mr.
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ended by saying that the blood of those massacred priests would be on the head of any person who did not vote for Captain Nolan.

587. Was that the only occasion on which you had the benefit of hearing the reverend gentleman alluding to the election?—That was the only occasion.

588. Did you hear him say anything that you recollect more than what you have stated?—No; I do not recollect his having said any more. He spoke, I should think, from about 20 minutes to half an hour; it was not during the mass, it was after he had taken off the vestments, he spoke from the altar.

589. Were the congregation still assembled or had they broken up?—The congregation was still assembled. I think he told them before he took off the vestments that he was going to speak about the election, but I am not certain. I know the congregation stopped there until he had taken off the vestments.

590. Have you now told us all that you can recollect that was said by him in reference to the election on that occasion?—Yes.

591. Did he say anything in reference to the Catholic gentry of the county?—Yes, I think he did.

592. Mr. Macdonagh.] Do not mention it unless you are sure?—I said I thought he did.

593. Mr. Murphy.] Do you recollect his saying anything in reference to the Catholic gentlemen of the county?—I did not remember it till you called it to my recollection, but now I have a recollection that he did.

594. What was it as well as you can recollect?—I cannot be accurate, because I did not take particular notice of it, and it is several months ago.

595. But some portion of it you know. An allusion to your own class and body I suppose, would strike you as somewhat remarkable. Will you give, as well as you can, the substance of what you recollect, of any allusion made to the Catholic gentry of the county of Galway?—

Mr. Macdonagh objected to the question, unless the Witness had a recollection of it.

Witness.] I said I thought that to the best of my recollection, he did make some such allusion; but having read so many reports of meetings and speeches, I do not think that I am capable of stating with sufficient accuracy here upon my oath what he did say. I have a recollection that he did make an allusion to the Catholic gentlemen of the county. I think he did, so far as I recollect, but what I am going to say may have been taken from some speech which I had read.

596. Mr. Justice Keogh.] You must not do that. You must only give us what you are able to state as having occurred on that occasion to the best of your recollection?—All that I can speak of positively I have given an account of.

Cross-examined by Mr. Macdonagh.

597. It is not unnatural that a person who has read a great many speeches, might confound the recollection of a speech with the recollection of a discourse which he had heard?—If I were to speak of it here, I think that I would say pretty confidently that I did hear it.

598. Would you be good enough to tell me whether the gentlemen who you think was Mr. O'Gray, was an elderly gentleman?—Yes; I

think I can answer pretty positively that he was Mr. O'Grady. I heard that he was.

599. When he spoke of 1,200 priests who had lost their lives, do you remember his speaking of a long trail of time, and a long period beginning in the reign of Elizabeth, and covering the reign of Henry the Eighth; do you remember his historical reference to that?—No; I only remember that he spoke about the reign of Elizabeth.

600. But the substance was, that several priests (no matter what the number was) had in former times suffered for their fidelity to their faith?—Yes.

601. That was with the view, I presume, of suggesting to the people that there should be reciprocity of feeling towards the priests; that as they had died for the people, so the people should endeavour to uphold them?—

Mr. Justice Keogh remarked that this was more a matter of observation than for examination.

Mr. Macdonagh stated that he would not press the question.

602. Mr. Macdonagh (to the Witness).] You made use of an expression which, in consequence of your turning aside your head I did not catch. You said that when he was talking of the number of priests who had been put to death, he said that it was the same fiction, and not the family. Then you used some other words which I did not catch?—Co-religionists.

603. I hope you will not feel offended (for you know I would not offend you) if I ask you this; I am sure that you voted according to your conscientious feelings?—I did not vote, because I would have had to go several miles into Connemara to vote. If I did vote, I would have voted for Captain Nolan; but I did not vote, because I should have had to go a long distance.

604. But you would have voted for him?—Certainly.

605. And of course from conscientious feelings?—Certainly, I would have voted for him.

606. And not under any improper influence of any kind?—Certainly; I promised him my support before in case Mr. D'Arcy retired, and in consequence of that, I would certainly have voted for him if I had thought my vote was necessary at all.

607. You knew that Captain Trench, the gentleman opposed to us, and Mr. D'Arcy and Captain Nolan, were in the field?—Yes.

608. And it was with the full knowledge of that that you promised Captain Nolan?—With the full knowledge of that.

609. You were quite prepared to go and vote, if you found it necessary?—Certainly.

610. But you know, of course, that it was unnecessary, for that the great majority of the voters of this Catholic county was for Captain Nolan?—I knew that there was a large majority; in fact that there was no doubt whatever about the number of votes which would be recorded on each side, and it was inconvenient for me at the time. I believe I should have had to go to Clifden to register my vote.

611. Were you in the town of Galway during the election at all?—Yes, during the whole time.

612. I am happy to say that during the whole of this election, not a single life was lost?—I do not know; I heard there were some at Tumm.

613. The hearing was erroneous; there were

not.

not. However, for a Galway election, I suppose it was as quiet a one as ever you saw?—As for as the town goes, it was as quiet as any contested election I have ever seen.

614. You are quite aware, as a gentleman of education, that if there were any obstruction or interruption of voters at the poll, the officer could adjourn the poll from time to time?—I suppose he could; I am not aware of the law.

615. That is the law; there was no interruption of the poll?—None in Galway, that I could see.

616. Did you see the voters coming up?—I did; I saw a great number of voters coming up.

Re-examined by Mr. Murphy.

617. As you were asked a good deal about it, did you see the voters coming up to the poll?—I was in this court-house during the polling; I cannot say positively that I saw any particular man coming up; but I believe that some did come up while I was actually in the court-house.

618. You were asked with respect to its being a very quiet election; do you mean to say, that in your opinion there was no intimidation practised prior to this election.

Mr. Macdonagh objected to this question as not arising out of his cross-examination.

Mr. Murphy argued that the question arose out of the cross-examination.

Mr. Macdonagh was heard in reply.

Mr. Justice Keogh ruled that the question could not be put.

619. Mr. Murphy (to the Witness.) Did you see who escorted the voters chiefly to the poll in Galway?—When I said that I saw the voters coming up I meant to say that I saw them coming in cars into the town, and then I think that there were generally priests with them; I saw a good number of priests with them.

620. Were they generally accompanying the voters that you saw?—I saw the voters on cars, and I think, to the best of my recollection (I did not take particular notice of them), that I saw two or three cars coming in one after another with voters, and I think I remarked generally a priest with them.

[The Witness withdrew.]

[Adjourned till To-morrow, at Eleven o'clock.]

Mr.
Mr. Lynch.
—
3 April
1872.

Fourth Day.—Thursday, 4th April 1872.

4 April
1872.

Mr. *Sergeant Armstrong*.—My Lord, I desire to have two witnesses called on their subpoenas, not in the expectation that they will answer at present. There are two gentlemen who have been duly subpoenaed, and whose attendance we deem of importance. I do not expect that either of them will now answer upon his subpoena, for this reason we have received from one of them personally, and from the wife of the other, apologetic letters attributing the absence to sickness. My Lord, I will at present have them formally called upon their subpoenas, but I will not ask your lordship for the extraordinary intervention of an attachment; I, however, wish to be in a situation to enable Mr. Connon to say that they have been called on their subpoenas. One gentleman is Mr. John Farren, of Netterville Lodge, and the other is Mr. Thomas Kelly, proprietor of the "Loughrea Journal."

(*Mr. Farren and Mr. Kelly were called on their subpoenas, but did not answer.*)

Mr. *Sergeant Armstrong*.—My Lord, I am now in a position to say that an attachment will be moved for unless these gentlemen appear.

Mr. *Justice Keogh*.—Certainly; and you can state at the same time that very serious powers, and of a novel kind, are given to me under the statute, which I shall exercise; and also powers of adjournment which can be exercised with the view of procuring the attendance of persons. Quite irrespective of the interests or views of the parties, I am charged with a special authority to report to the House of Commons, and I am quite prepared to take that course. The parties shall have the benefit of all the powers which the Act of Parliament confers.

Mr. *Macleough*.—We quite concur.

Mr. *Sergeant Armstrong*.—I have great hopes, my Lord, that there will be no necessity for it.

Mr. CHARLES BLAKE, sworn; Examined by Mr. *Sergeant Armstrong*.

Mr. C. Blake. 621. You are a gentleman, resident, I believe, at Tuam?—Yes.

622. Are you a magistrate of the county?—No.

623. Did you vote or give your active support to either side at the last election?—To neither side.

624. Are you a Roman Catholic?—I am.

625. Are you the proprietor of any building at Tuam which you were asked to let for the purposes of the election?—I am.

626. What is it?—I used it in former times. It was afterwards an auxiliary workshop.

627. I believe you were asked to set it to Mr. Trench for his purposes?—I was asked by one of his agents.

628. Did you set it?—I did not.

629. Do you recollect the night before the election?—I do.

630. In what state was the town of Tuam upon that night?—Not very wild or wicked in any way.

631. Was the band out?—The band went out at a very late hour of the night, which they never did before.

632. Was there any party tune which they played?—There were the usual tunes which they played.

633. What were they?—O'Toole and St. Patrick's Day, and a variety of tunes; they played as many as they knew how to play.

634. Was there any breakage of glass upon that night?—There was.

635. Where?—At the house immediately opposite where I reside, first; in my house there are large plate glass windows, and on the return of the band from the presbytery where they had been playing for between 20 and 30 minutes, my windows were broken.

636. Your plate glass was broken?—My plate glass windows.

637. How far is that from where the priest resides?—More than 500 or 600 yards.

638. Do you recollect the day after that seeing what was known as the Dunsmore Mob in Tuam, a mob from Dunsmore?—I do.

639. Was that a very large mob?—Yes.

640. Had they flags with them?—One flag.

641. Did they break any glass in your house?—Yes, one of that mob, but of course I could not say who. One third of the large panes were broken that day, and those were panes in the house. I reside a little off the street, and I found several stones immediately under the windows which hit the ivy and the frame-work of the windows; they were underneath; there were five or six stones.

642. They had not taken effect on the glass?—I believe so.

643. But there were stones which under ordinary circumstances would not be there?—Certainly not.

644. Had you done anything that you knew of save abstaining from taking a part in the election to make yourself obnoxious?—Not that I am aware of. I took no part whatever on either side. I refused the three gentlemen who applied to me on various occasions. My answer invariably was that I was a man of business, and had a great deal of business transactions on both sides, and that I thought it more prudent and more judicious that I should not vote on either side.

645. Upon the day of the pole was there any insult or abuse offered to you or your family?—Plenty of it.

646. In the town of Tuam?—In the town of Tuam.

647. That was at the polling place?—Yes.

648. Just give his lordship some idea of what you

you and your family suffered in that way?—It appeared to me that one boy of the name of Slatterie was either sent or directed by some one, I cannot say who directed him, but he kept abusing and making use of the most offensive language for over three hours, although there were several policemen opposite my door at the time, where there was a défilé. I suppose the stipendiary magistrates were in charge, still this fellow made use of the most frightful language, and he was backed by men that I never expected would have backed him: and then they abused me. There were men belonging to a Mr. Cloran, a baker in Tuam.

648. Do you recollect anything happening to the traces of your car or carriage?—No, I do not; but I recollect that one of my cars was returning from the town of Headfort from delivering some beer at Mr. St. George's, and at Castle Hackett, and at other places along the road, and one of Mr. Cloran's men, whose name I forget, called upon the mob to cut the traces.

649. Were you hearing it?—I was. The mob refused to go, but allowed the cart to come into my yard, and no harm was done to it.

651. Were you at the railway station on that day?—Yes; for we had a railway meeting at which the late Mr. Cowan attended, and he deputed me, as one of the directors, when I told him that I was not going to vote for either side, he asked me as a favour to attend there, and see that the trains got off in due course, and that every facility would be given to those that went by them.

652. And did you do so?—I did.

653. You attended there for that purpose?—I was there from seven in the morning.

654. Was there a mob there?—No; not then.

655. Did the voters, Mr. Trench's friends, who came to the station there, go by the ordinary road to the polling place?—No.

656. How did they go?—They went, at my instance, along up the railway, and I will tell you why I asked them to do so.

657. Mr. Macdonogh. State the facts, if you please?—I saw every one of the men who got leave to come into Galway to vote, and they all got their tickets—at least Mr. Nolan's agent got tickets for them.

658. Who was he?—A man of the name of Mullen. He paid for them, I presume. I know that he got a list of every one of those gentlemen, and the priests and all were paid for by him.

659. Why did you send Mr. Trench's voters along the line instead of by the ordinary road?—Three trains left that morning, one a special train, to enable the farmers going to Galway to vote—an application was made by Captain Nolan, or his friends, to Mr. Cowan to give them a special train, and on consultation with the other directors, we thought it more advisable to give the train, but to let every man who wished to go, go by it; and we declined giving a separate train for either side, and the ordinary train went in about half-an-hour after that train—only 22 voters or parties were received; a few of Captain Trench's went by both trains, but the large majority in the first train, 19 or 20 of Captain Nolan's men, went by it, and at a quarter to nine the second train started, and not more than eight, I think, went by it. Then that train returned, as was supposed to return, from Athenry at a 241—J.

quarter to eleven—it did not not arrive until just eleven o'clock—and we were led to understand—

Mr. Macdonogh. I beg your pardon.

660. Mr. Sergeant Armstrong. Do not mind that. I found that the voters were to come by it, and they did not, but some gentlemen came by it, or acquaintances, who said—

Mr. Justice Keogh. We do not want to know anything about the acquaintances.

661. Mr. Sergeant Armstrong. Did you observe anything which induced you to advise Captain Trench's friends to go along the line of the railway?—Yes; I saw men most cruelly beaten in my presence—one man's arm I thought was broken—he was, I believe, a man of Lord Chancery's, I forget his name—and I thought it my duty to send for Dr. Turner from the workhouse to see him; the man went on. I got half a pint of whiskey for him, and got him removed; his wrist was very much injured, and the poor man was bleeding very much. I thought it better for the gentlemen who were not aware of what was going on in the town to go along the line. I advised them strongly to do so, and I begged Mr. Hill, the stipendiary magistrate, with an escort of police, to go up with them, and to take them up by Dean Seymour's lawn, and then they were all right.

662. Do you recollect about what time the voters and the priests came into the town that day to the poll?—I could not say positively, because I remained at the railway until quarter past eleven, at which hour the train started, and immediately after that train started I said that I would not go unless I knew that our train would arrive before three o'clock.

663. Was it after that that they came in?—I could not say.

664. Did you see them, as a matter of fact, in the town?—I heard tremendous roaring, and saw a tremendous crowd round Daley's hotel, and I saw a crowd which I did not know.

665. Did you see any of the priests with that party?—No, because I got frightened, and I was advised by Sir Thomas Kirren, who had just come down from voting, who said, "your life will not be safe if you attempt to go down the street," and I did not.

666. Did you see any ribbons?—I saw green ribbons and laurels, and a variety of other things.

667. Did you see any of the priests in green?—I saw laurels on some of their hats, but not at that time.

668. During the day of the poll, did you see any of the priests either with green rosettes or green ribbons?—I did not see any green ribbons, but I saw laurels in their hats.

669. Did you see any of them on horseback?—No.

670. Do you recollect the day on which Mr. Denis Kirren died? I think you went to Castle Hackett that day.—I did.

671. Did you meet Father Conway on your way?—I did.

672. Did he say something to you; had you some conversation?—We had no conversation.

673. Did he speak to you?—He called upon me to stop.

674. Mr. Macdonogh. What was the day?—After the election.

675. Mr. Sergeant Armstrong. A very few days,

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Mr. C. Blake. days, I believe?—I suppose about a week, it might be more, but I cannot state positively.
 4 April 1872. 676. Whereabouts did you meet Father Conway?

Mr. Macdonagh.] My Lord, I respectfully object to this evidence.

Mr. Justice Keogh.] Upon what ground?

Mr. Macdonagh.] That this was a week after the election; the matter was completed, and the seat of the Member cannot be imperilled by any idle declaration.

Mr. Justice Keogh.] Surely it must occur to you at once that if they should fix the agency of any particular individual, his declarations afterwards, referring to anything which took place at the election would be the same as the acts of the agent of the sitting Member at the election. Independently of that, you know perfectly well that under this Act of Parliament I am charged with a special power, and a special duty, and it may become my duty to make a special report to the House of Commons, and I could call any witness in the county to tell me anything which occurred which bore upon the state of the county at and previous to that election; and matters occurring afterwards, and declarations made by parties may be most germane to this inquiry. I do not say that I am disposed at this stage of the proceedings to shut out that evidence.

Mr. Macdonagh.] My Lord, where agency has ceased, and the business is over, I submit that no agent has power.

Mr. Justice Keogh.] I cannot know that until I hear what it is. You shall not suffer. You are not here now with a jury. I will take care that you are not prejudiced in any way, so far as any man can take care, by anything by which you are not ultimately bound. I can hear all the acts at an election without agency being proved in the first instance. There is a special Act of Parliament.

Mr. Macdonagh.] My Lord, now that this high authority of the House of Commons is vested in a legal tribunal, I think that that tribunal will proceed according to the rules of evidence at Common Law. That appears to be the opinion of the best writers upon the subject. There is a great deal of force in what your Lordship has secondly said, and I yield to your Lordship. I have perfect confidence that your Lordship will not finally deal with anything but legal evidence.

Mr. Justice Keogh.] Certainly not. You must ultimately make it evidence, but there is a special Act of Parliament which in these inquiries makes a most important alteration in the law, and declares that I shall hear evidence of bribery, treating and intimidation, or undue influence before agency is proved. It is quite an exception to the Common Law, and is made by statute.

677. Mr. Sergeant Armstrong (to the Witness.) Will you have the goodness to tell us what Father Conway said, and what his gestures were. Give his Lordship as near a description as you can of what occurred. Were you on your

way to Castle Hackett, or returning?—I was on my way to Castle Hackett.

678. Was the death of Denis Kerwen a matter of notoriety in the neighbourhood?—Indeed it was, and of great regret.

679. Will you state the aspect and language of the Reverend Father Conway?—I do it with great reluctance, my Lord.

Mr. Justice Keogh.] But it is your duty.

Witness.] Of course I am on my oath, and I must tell exactly what occurred.

680. Mr. Justice Keogh.] Of course. You could be compelled by this court, and I would compel you if there was the least reluctance. You are bound to do so.—On my way to Castle Hackett I first met a brother-in-law of mine, Dr. Turner, who had been sent for at the moment when Mr. Kerwen was perceived to be ill; again on home was sent for him, and he was on his return to Tuam. I said, "Dr. Turner, what has happened; how did it happen?" He said "Go on, Charles, that madman is before you, take care of him, he is always abusing me on the road." I really did not know the meaning of it, or who the madman was, or anything of the sort. I called out to my servant, "Boyle, take care, there is some deranged man coming along, keep wide of him, and pass him by quietly." I all this time did not know who was coming. At length when I went about three quarters of a mile further on, I saw a post car coming and three gentlemen on it, one of whom I recognized to be the Rev. Mr. Conway, the other two were perfect strangers to me. I never saw them before. I said to my servant, "Keep wide of this car, and get by it as quietly as you can." After passing the car, going about five yards beyond it, I saw the Rev. Mr. Conway (for I was looking back that way) saying, "Stop, stop, stop," standing up in the car, and he certainly made use of language which I did not expect.

681. Mr. Justice Keogh.] What was the language?—The language was, "He is down, he is down; I will put you and more of you down." I got exasperated and I got hurried, and really, my Lord, I made use of language which I am very sorry to have done. I said "Oh, under such circumstances I was in hopes you were going to say something kind; but," I said, "you are a scoundrel and a rascal to make use of such language under such circumstances."

682. Mr. Sergeant Armstrong.] Did he say anything to that?—No, he did not; he sat down very coolly, and desired the man to drive on. I then drove on about a quarter of a mile further on, and I met another acquaintance of the late Mr. Curwen, Mr. Robert Henry, and he was going on the same mission as I was. I got into the taxed cart with him, and I told him what had occurred. He was the first person that I met.

683. Will you give us some of the particulars of the abuse heaped upon your family on the polling day. I believe your wife is a Protestant?—She is.

684. Just give us some of the flowers of rhetoric which were levelled against you?—This young boy of about 22 or 23 years, named Slattery, was there; he commenced abusing myself in the first instance. I went out, and heard them shouting up the street, and I went as far as my own gate; and then and there he commenced abusing myself. Mrs. Blake was in the window, and she saw it, and she came out and tried to induce

induce me to go in, and then he called her all the names that I am ashamed to say; he called her a black Protestant, and said that I was nothing better; that I should go down to church at once, and jump; that I was a jumper; there were a variety of things of that sort.

685. Were expressions of obscenity made use of?—There were a great deal of nasty words.

Mr. Justice Keogh.] It is unnecessary to give them now.

Witness.] He continued it on for nearly three hours—going away for about a quarter of an hour, and coming back again.

686. Mr. Sergeant Armstrong.] Do you know whether that man was in the habit of attending mass in the chapel at Tuam. Have you ever seen him there?—I have seen him at mass since and before. He was originally a fellow who was in the workhouse at Tuam, and he was bound out to a trade, and he took very good care to tell me so; that his time was up, and that he cared nothing about me now.

687. I suppose he has the use of his ears?—Very well.

688. And he could hear anything which was said from an altar denouncing people?—If it was said, he could.

Mr. McDonough.] My Lord, I must object to Sergeant Armstrong asking such questions.

Mr. Sergeant Armstrong.] My Lord, it was merely that he could hear.

Mr. Justice Keogh.] We must assume that every man hears until the contrary is proved.

689. Mr. Sergeant Armstrong (to the Witness.)—Was there any peculiar expression used to yourself, which you have no objection to repeat?—Several expressions by this fellow and by others.

690. Just state a few of the others—the members of the mob?—Not by very many, but three or four of the foremost ones called upon the mob to break in and go into my brewery, and take out all the sour water and beer that was in there, and throw it down the river, and words of that sort, and a variety of other expressions or names.

691. Previously to the election, had you ever been molested or insulted in this way?—Never; not for years.

692. And do you attribute this annoyance to the disturbance attending the election?—Certainly. Up to the day before I never saw anything more peaceable, nor people less inclined to insult me. The first time that I saw an insult given was the day previous to the election, when I saw the ringleaders in this mob attack one gentleman, in the neighbourhood of Tuam, Mr. Kilkelly. I thought that I had some influence with them, and I called upon them. I called upon the ringleader, a man of the name of Hannon. I said: "Hannon, what are you at? Why do you insult Mr. Kilkelly? To my own knowledge neither of us is going to vote, and there is no use in insulting a man who is going to do you no harm." He said: "You know that of your own knowledge?" "I do," I said; "and I have it from himself that he is not going to vote at all; and if he is going to vote, it is in Galway that he should vote and not here." Because he lives in Galway, and they did desert then.

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693. Who is Mr. Kilkelly?—A gentleman residing about five miles from Tuam.

694. Is he a Roman Catholic?—He is. Then they turned round, and they hooted him, and shouted, and if he had not had a race for it, I believe he would have been badly treated. Another gentleman, living quite opposite to me, a Mr. Keeley, they hunted into his own house, and abused him, shouting at him: "This is the gentleman whose windows were broken that night"; and I felt it my duty to speak to the stipendiary magistrate. I said, "From the treatment which I saw given to Mr. Keeley a while ago, I think it would be advisable to place some person there to watch him at night"; and I believe that upon my suggestion they had police there when his windows were broken.

Cross-examined by Mr. McDonough.

695. Are you a Poor-Law Guardian?—I am. I have been Vice-Chairman of the Tuam Union for 23 years.

696. Slatteric was in the Union Workhouse.—He was.

697. Do you remember when he was put out?—I could not say; but I certainly must say that when he told me, "I am out of my time now," it must be fully either three or four years ago.

698. What was the meaning of his saying, "I am out of my time now"?—He was bound to a shoemaker, and the guardians insisted him to be bound, because he was an orphan boy.

699. He was put out of the workhouse?—No, he was not put out, because he was regularly bound.

700. What is he now?—A shoemaker.

701. I suppose he is in very humble circumstances?—I believe so.

702. You never employed him?—Never.

703. When was it that you determined not to vote on either side?—My determination was made up shortly after the previous election of Mr. Mitchell Henry and Captain Nolan. Captain Nolan called upon me at my house, and asked me would I vote for him. I made no confidence at all about it. I said, "I will vote for you, and will bring every influence that I can to bear for you."

704. I ask you when you made up your mind?

Mr. Justice Keogh.] He says that he made up his mind after the previous election of Mr. Mitchell Henry and Captain Nolan, and he then proceeded to say that he had previously promised Captain Nolan, and he was going on to add something. If you begin on the enquiry, the witness is entitled to explain. He said that he had made up his mind after an election, and then he considered it necessary to explain his answer, and he was proceeding to explain it, and is entitled to do so. Mr. Blake is a most experienced juror, and he knows all about explaining an answer and giving an answer; no man knows it better, for I have often had the pleasure of seeing him in the box under other circumstances. He is now giving you an answer, and I do not see why he should be stopped.

705. Mr. Sergeant Armstrong (to the Witness.) Continue; what occurred between yourself and Captain Nolan?—Captain Nolan called upon me a few days before the election. I had promised

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to vote for him long previous to this. I took no very active part up to that time, and on either the Friday or the Saturday, or some day during the previous week, he asked me if I had any objection to come in, and to be one of his friends on the day of the nomination. I said, "Captain Nolan I feel a great reluctance to do so, but however under the circumstances I promised to vote for you and I will do so." The nomination day was to be on Monday. On the Sunday Captain Nolan and his brother and I were at his office in Team up to half-past 5 o'clock, and I saw my friend and his friend, Mr. Higgins who was my private solicitor, and we had a great deal of conversation; but he went on by car to Galway to make arrangements for the nomination the next day. At half-past five I went home to my dinner, promising Captain Nolan to go in by the 9 o'clock train in the morning. I started for Team. When I got to Athenry I met Mr. Andrew Comin, a friend of Captain Nolan's, and I heard that Captain Nolan had resigned. Had he gone on with his appeal he would have polled a very large majority over Mr. Mitchell Henry. I got so annoyed and vexed that I went back with Mr. Higgins by the next train, and did not come on to Galway. When he canvassed me at the next election, I said at once, "Captain Nolan I will not and cannot vote for you." He said, "You promised me formerly." I said, "I did, but what guarantee should I have that you would not do the same thing as you did before? I do not think that you treated either your committee or your friends well by resigning without consulting them." We parted then, and he asked me on going away out of my parlour would I promise not to go against him. I said, "My present determination is not to vote on either side, but," I said, "I will make no distinct promise at present."

706. Mr. Needwough.] That is a pretty clear explanation, and nothing can be more satisfactory to me?—I am glad of it, it is the fact.

707. I have no doubt that it is the fact. Then you had made up your mind not to meddle at all on either side at the next election?—I had, and I distinctly refused both Captain Trench and Mr. D'Arcy.

708. Each of whom had called upon you?—Yes, several times.

709. In fact you felt annoyed that Captain Nolan should have resigned without consulting you, you having taken an active part for him?—I felt a little jealous.

710. You have now given to his Lordship the reason why you totally declined to intermeddle in the last election?—I have.

711. And you never intended at any time to vote for Mr. Trench?—Never; that is to say I had refused him, both by letter and personally, and I told him my reasons, namely, that it would not be advisable for me as a business man to interfere on either side.

712. Did you know Father Thomas?—I knew him very well up to a certain period.

713. You do not know him now?—We are not on speaking terms.

714. Did you know that he had promised Captain Nolan on this occasion?—Oh, yes, of course he must, he was one of his principal supporters; he made no secret of it.

715. How long is it since you and Father Thomas quarrelled?—I cannot say exactly.

is over a year. It is since about October twelve months.

716. Did you tell Captain Nolan that if he gave up Father Thomas you would support him?—No; I told Captain Nolan, "I am very glad, captain, you came alone, for really the company that you have chosen to canvass the town I do not approve of."

717. That is Father Thomas?—And others.

718. Did you give him to understand that if he would abandon Father Thomas you would assist him?—I did not, indeed.

719. Nor anything to that effect?—No; for I never had any intention of voting for him from the former election.

720. Did you know that Mr. Michael Roche was assisting Captain Nolan?—I heard it; and I think that I saw him accompanying him and the other gentlemen about the town.

721. What is Mr. Michael Roche?—A farmer. He has purchased a small property near Team, from Mr. Higgins.

722. Are you and he on terms?—No, indeed.

723. I am afraid that you have had the misfortune of quarrelling with a great many people?—I have had the misfortune of quarrelling with him because he behaved most ungentlemanly to me, and, perhaps, if you will follow it up, I will tell you how it was.

724. Did you ask Captain Nolan to give up Michael Roche?—I do not think that I made so much of him. Michael Roche is not of so much importance that I would ask a gentleman to give him up, for I do so not think that he would be of any benefit to any side on which he would be.

725. Did you tell Captain Nolan anything to the effect that you wished him to give up Michael Roche?—I told him previous to this last election, at the former election, that I thought that he ought to have chosen his company, and that he was doing more harm than good.

726. Are you a very irritable gentleman?—No, I am not.

727. Why have you the misfortune of differing with so many people?—There is not a man in Galway that has disagreed with fewer, I think. There are some gentlemen that you must differ with.

728. I believe that Father Conway and you are not on the best terms?—We are not at present. We were very good friends up to a couple of years ago. I have dined in his house, and a very hospitable fellow he is.

729. He is a hospitable, good, pleasant fellow?—No doubt of it.

730. And an educated gentleman?—I presume so; he would not be a clergyman if he was not.

731. What is about the date of your quarrel with Father Conway?—It is nothing connected with the election.

732. I only want the time. I will not inquire into the circumstances.—About June twelve months.

733. June twelve months you quarrelled with Father Conway, and October twelve months you quarrelled with the other fellow?—It might be earlier than that; and I had a previous quarrel with Father Conway.

734. How many years ago?—Four or five years ago.

735. And you made it up?—Yes.

736. And you dined with him again?—No.

737. But

737. But he dined with you?—I am not aware that he did.

738. You made it up?—I did, at the interment of my brother, and he behaved like a gentleman on the occasion. He put out his hand and shook hands with me.

739. And you behaved like a gentleman, I have no doubt; he forgave him, and he forgave you?—I did.

740. How many other persons besides Father Thomas and Father Conway had you differences with?—There is another gentleman, who is now residing in Mayo.

741. Who is he?—A man who was acting with Father Thomas, in Tumm, the curate under the archbishop.

742. We will call him a colleague?—Yes; his name is Father Stephens.

743. When did you quarrel with Father Stephens?—About November or December twelvemonths.

744. That unfortunate year was a quarrelsome year?—It was; and I can tell you why I did quarrel if you like?

745. I take it for granted that you have told us the whole of what occurred on the occasion when you met Father Conway on the cur?—I think I have, as nearly as I can recollect. I am very sorry that any such thing should ever have occurred, and I beg to apologise to Father Conway for having made use of the remark which I did to him.

746. That is very handsome and very like a gentleman?—I was exasperated; and I was in grief at the moment for I had lost one of my best friends.

747. There were two other gentlemen on the case?—There were.

748. And you cannot give me any idea of who they were?—I cannot; I heard afterwards that there were two gentlemen who were sailing wises. I cannot say whether they were or not.

749. You told Sergeant Armstrong that for a long time past you had not been badly treated in the way you have described, by your windows being broken. I suppose that on some former elections windows were also broken?—They were; but my father was then living, and I was not the proprietor.

750. And his windows were broken then?—They were; a great many.

751. At what election was that; do you happen to remember; was it at Lord Dunlo's?—No.

752. At what election was it?—It was so long ago that I cannot exactly recollect, but I think it was at an election between Sir Thomas Burke and Lord Dunamale.

753. Mr. Sergeant Armstrong. It is fully thirty years ago?—Yes; and more.

754. Mr. Marsden. Sir Thomas Burke was the popular candidate then?—I rather think it was Sir John Burke, Sir Thomas's father.

755. Was not he the popular candidate?—I do not know; I think that they were what they call pretty even.

756. Was not Sir John declared the sitting Member?—He was for a few days; he was put out on petition, I think.

Re-examined by Mr. Sergeant Armstrong.

757. I do not wish you to have the reputation in your county of being a quarrelsome man; 241.—L

what did you quarrel with Father Conway about the last time before this election?—By having been told that he called me out at the altar at Headfort, because I did not agree with him in giving indiscriminate out-door relief to paupers. I was told by several that he did.

758. Is what you call calling you out what is vulgarly called denunciation?—It is something tantamount to that.

759. Was it after that that you met him at your brother's interment?—It was.

760. And he stretched out his hand?—Yes; and performed the religious ceremony at the grave yard, he being the parish priest.

761. What happened between yourself and Father Thomas which prevents your speaking now?—It has nothing in the world to do with the election.

762. What about Father Stephens?—Just the identical same thing. It was on one point that we fell out, and I felt it my duty and the duty of two other gentlemen, one of whom is a relative of mine and the other is married to a connection of mine, to go and complain of both these gentlemen to the archbishop, and Father Thomas was present when we laid our case before the archbishop.

763. You have been asked by my learned friend whether you are a very quarrelsome man. I think you had better state the fact what it was?—It was caused by a little convivial society which which was got up in Tumm partly at the instance of Mrs. Bernard, the present Bishop Bernard's wife. Mrs. Bernard and her two sons, and I was called upon to be one of the committee consisting, I think, of eight Catholics and four Protestants in the neighbourhood, and we thought it no harm and did not think it of any consequence, and we got up a subscription, and we advertised this singing party to Father Thomas, and I believe that it displeased Father Thomas, and he came out and made use of very strong language.

764. At the altar?—Yes.

765. Was this a musical society to give concerts?—It was for amusement.

766. Had it a charitable object in view?—It hardly paid the expenses, because we got our singers from Dublin.

767. Have you any reason to think that these circumstances had anything to do with the insult offered to you at the last election by the breaking of your windows?—I cannot say.

768. According to the best of your judgment you believe that these annoyances at the last election, were because you stood aloof?—I do.

769. Mr. Marsden. Did you say you were not present at the chapel when Father Conway denounced you?—I never was at mass in Headfort to my knowledge.

770. You did not hear him?—No, I heard it from others.

771. You were not present also when Father Thomas spoke of you at the altar?—No, I was not.

772. It was only what you heard?—I heard it from my family.

773. Mr. Sergeant Armstrong. When Father Thomas was brought face to face before His Grace the Archbishop and you made your complaint, did he deny that he had denounced you?—He did not, and he also admitted that it was by his directions that Mr. Stephens had spoken as well as himself, and it was at that that I felt hurt.

774. Did the archbishop reprimand him, or what

Mr. C. Blake. what did he do?—He has done nothing yet, I do not know what he will do.

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775. Mr Justice Keogh. Was the language which was used to your family, and were the attacks upon you on the day of the election?—Yes, the day of polling.

776. Was it previously to that, or subsequently, or was it confined to that day?—Nothing was said or done to me until the night previous to the polling, and then they broke the windows and nothing was said then except shouting as they always do and I did not mind that. I never anticipated that they would break my windows when I took no part in the election.

777. Was the abusing Mr. Blake and yourself on the day of the polling?—It was.

778. Was any reference made in the course of that abuse to the election; you have told us the language which was used?—There was.

779. What?—Calling out that I was opposing Nolan, and that I was a Trenchman, and a variety of other epithets.

780. Has that abuse been continued since the election, I mean the abuse referring to you having been a supporter of Captain Trench, as an opponent of Captain Nolan's, has it continued since or was it dropped after the election?—It gradually dropped, but it continued very much, even in going along the roads I would be shouted at, and a variety of things of that sort by little boys, but I did not mind.

[The Witness withdrew.]

Mr. LAURENCE WALSH, sworn; Examined by Mr. Murphy.

Mr.
L. Walsh.

781. Are you in the employ of Mr. Trench, of Clonfert?—I am.

782. You act as his bailiff, I believe?—Yes.

783. Is the church of Gurteen the place which you usually attend for worship?—Yes.

784. Do you know the Reverend Mr. John Deely who officiates there?—I do.

785. Is he the parish priest, or the curate?—I cannot say.

786. Were you there on the 21st of January last?—I was.

787. Do you recollect, when mass was over, Father Deely calling on the people to do anything?—I do.

788. What was it that he called upon them to do then?—He said he was ready to take the names of any voters who he was satisfied would vote for Captain Nolan.

789. Where was he when he said that?—He was on the altar.

790. Had he his vestments on at the time, or had he taken them off?—I think they were off.

791. Did any of the people come forward to him then?—Every man shouted out his name to him.

792. Did he do anything when they called out their names; did he take them down?—He did afterwards.

793. After they called out he took down their names?—Yes.

794. Was anything done as the names were taken down: did Father Deely call out, or say anything, when the names were given in?—I cannot remember whether he did or not.

795. Was there any cheering in the chapel?—There was; there was an excitement.

796. Was anything said to you there by Father Deely?—I believe so; I think that he mentioned my name.

797. Was your name mentioned by him?—No.

798. What was said?—It was said that there was a bailiff in the parish and not out of the parish, and I believe that I was the person alluded to. He said that I was a lying, spying bailiff. That was on the 14th.

799. On the 14th also had names been taken down in the chapel?—No.

800. But that was said on the 14th?—Yes.

801. Was there anything more said that you recollect on the 14th?—Not that referred to me.

802. Was he speaking about the election on the 14th?—He was telling people to vote for

Captain Nolan; he was recommending people to vote for Captain Nolan.

803. Was he saying anything about Captain Trench?—He was saying that Captain Nolan was preferable to him to be returned for the county.

804. Tell me all that you recollect him to have said about the election on that day, the 14th?—I did not take any particular notice of what he was saying except the slander which he uttered on myself as I thought.

805. On the 21st, the day that the names were taken down, were you asked to give in your name?—No.

806. Did you give in your name to him?—No.

807. When the other names were taken down, was anything said about you?—No; I walked out of the chapel.

808. What was done to you when you walked out?—I went on the road for a few yards, and I was booed along the road.

809. Where did you make for?—I made for home.

810. Did those who were booing you follow you?—A part of the way.

811. Where there many following you, booing you?—I believe that there were a good lot; a bulk on the road.

812. How far is your own house from the chapel?—About two miles.

813. How far on the way did this bulk of people follow you?—I suppose about 150 yards, or so; a couple of hundred yards.

814. Did you remain in your house for some time after you got home?—I did. I was in my house during the night.

815. Did any persons come to your house during the night?—They came quite close. My house is very near the road, and a large number of people came about my house at night, on the road, and remained for about an hour booing and groaning at me.

816. Is that your handwriting (holding a paper to the Witness)?—I cannot say without a glass.

Mr. Justice Keogh. Get your glasses.

Mr. Crocannon handed a pair of spectacles to the Witness.

817. Mr. Murphy. Is that your handwriting; read it over to yourself (the Witness read the paper); did you write that?—I did.

818. Can

818. Can you recollect on what day you wrote it?—I do not recollect now, without looking at it.

819. Look at the date of it; January 27th?—Yes.

820. Was what you wrote in it true?—It was; but some of it may not be very clear to others as to what I meant by "booted and grounded from the chapel." It was on the road outside the chapel.

Mr. MacDermott.] My Lord, I object to any use being made of this paper. This appears to be a document which, of course, the Witness might refresh his memory with, provided that it was of a contemporaneous date. It appears now to be dated the 27th of January. It was made six days after the second Sunday. We must have some rules of evidence.

Mr. Murphy.] My Lord, with every respect, in a case of this kind, the rules of evidence cannot be applied in the same manner as in a simple case between plaintiff and defendant. Of course, where a plaintiff brings forward witnesses to establish his case, in an ordinary issue between parties, the witnesses whom he brings forward are, in the first instance, properly and reasonably looked on as his witnesses, and the witnesses for the defendant are looked on as the witnesses for that party. Of course it is well known that, on cross-examination by either party in such case, you can cross-examine a man as to anything which he has said or has written. You cannot do that on direct examination, in an issue between the parties, until you have shown the witness to be in some degree adverse. But, my Lord, with very great respect, in an investigation of this kind, an investigation of a public nature, not so much between the parties themselves, the rules of evidence are not to be applied in the same way. A witness coming forward is not to be supposed to be the witness of either party, or in the interest of either party. If that rule is applied in an investigation of this kind, bringing up every man from different parts of the country, who is subjected to observations made from the altar of his own chapel, it is idle and absurd to say that a man of the rank of the Witness on the table can be a willing witness, when a gentleman of the position of the last Witness with great reluctance gave evidence of what had occurred in his presence; and, my Lord, with very great respect, if this man shows hesitation and imperfect recollection now, I am perfectly entitled to show what he wrote, I say substantially contemporaneously, because "contemporaneously" does not mean instantaneously, and I am entitled to do that in order to test his accuracy on behalf of the gentleman who is Petitioner here, but I say chiefly on behalf of the public, for whom you are holding this investigation.

Mr. Justice Keogh.] I think you are entitled to a considerable latitude, and I think that if a witness shows any reluctance, you are entitled to refresh his recollection in every way more than you would be in an ordinary case between party and

party: but I do not think that you are entitled to ask in general terms whether everything which he wrote was true. I think you are quite entitled to put the document into his hand, and tell him to read it, and to scrutinise his recollection in every way afterwards. (To the Witness.) Take your time to read that paper with your glasses on, and then you can answer the questions which may be put to you.

821. Mr. Murphy (to the Witness).] Now, you have read it over?—Yes.

822. And now keep it in your hand; it is in your handwriting. Do you recollect any day that you were speaking to Mr. Trench, your master, about the election?—I do.

823. You were talking about supporting the Captain. Just keep that letter in your hand, and keep it open; you know it is your handwriting, and it will not hurt you. Do you recollect the Sunday after that being at mass?—After what?

824. After the day that you were talking to the master?—Yes, I do.

825. At a place called New Inn?—Yes.

826. You recollect that time very well?—I do.

827. Do you recollect being at mass the Sunday after that?—I do not know whether that was the 21st, or not.

828. I do not mind whether it was the 21st, or not; but do you recollect being at mass the Sunday after the day that you were speaking to him at New Inn?—I do.

829. Up to the day that you were speaking to the master at the New Inn, had you heard anything at all from the priest about the election?—No.

830. Did you hear anything from the priest on the Sunday after that?—I did.

831. Was it from the altar that you heard it?—Yes.

832. Was anything said about yourself by him on that Sunday?—That is the day that the slander was uttered by the priest. I believe that I may mention that he alluded to it, but he did not do it in my name.

833. Keep that document open in your hand. Now tell me the words which he used on that day, the scandal that you say was uttered, which you thought applied to yourself?—He said that I was a base, lying, and spying ballif; a man that was a ballif, and was ashamed to be called one.

834. Was that the Sunday before the names were taken down?—It was.

835. On that Sunday, the day that you were called those names, or those words were uttered which you thought applied to you, were you booed?—No.

836. It was on the next Sunday that you were booed?—Yes.

837. Was it on the night of the next Sunday that the people came to your house?—It was the night of the next Sunday.

838. Were you put in terror by the people who came to your house that night?—I was.

839. Did you, after that, take any part in canvassing in the election, or in voting for Captain Trench?—No.

840. Had you made any promise before as to how you would go?—I promised him the day that I met him at the New Inn.

841. Was it in consequence of what was said

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to you on the Sunday, and the way you were treated by the people who followed you, and came about your house, that you withdrew that promise?—It was because I considered if I was safe I would not go to Tulla.

842. Did you vote at all at the election, then?

—No.

843. If you had not been referred to in the way you mentioned from the altar, and hooted, would you have voted for Captain Trench?—That is a question which I would like to avoid answering, if I could.

844. Were you put in terror by those people?

—Yes.

845. Had you promised him the day that you met him at the New Inn?—I had.

Cross-examined by Mr. MacDonnet.

846. Did you canvass for Captain Trench before the night that the mob came to your house?

—No.

847. So you neither canvassed before or afterwards?—I delivered messages from our agent, Mr. Fitzmaurice, to four voters.

848. With the exception of carrying those messages, you never canvassed, and never went about with him for votes?—No, never.

849. On the 14th, the first Sunday on which the observation was made about the spying bailiff, your name was not mentioned?—No.

850. Were you known by the people at the time? Were you in the habit of attending at that chapel?—Yes.

851. I suppose that all the people, or most of them, in the chapel, knew you?—Yes, they did.

852. They knew that you were a bailiff of Mr. Trench's?—Yes, they did.

853. And you were not hooted or followed on that day?—Yes.

854. He recommended them on that day to vote for Captain Nolan, and said that he was a better man for the people than Trench?—He did.

855. What is your own opinion upon that?—I do not like to tell you.

856. As a matter of fact, forgetting for the moment that you were the bailiff of Captain Trench?—That is what I could not forget.

857. Which do you think the people who were not bailiffs for Captain Trench's party considered to be the better candidate, Captain Nolan or Captain Trench?—I think they were rather in favour of Captain Nolan.

858. Would you have been in favour of Captain Nolan if you had not been a bailiff?—I do not like to tell.

859. You must tell. Your master will not be a bit displeased, I am sure. If you had not been a bailiff would you have been in favour of Captain Nolan?—I look for the protection of the Court.

860. You will have no protection from the Court here. Of whom would you have been in favour if you had not had the good fortune to be a bailiff?—Well, I think I would have voted for neither.

861. Why would you have voted for neither?—Well, I think neither was a fit man to represent the country.

862. Was that the reason why you promised your vote to Captain Trench?—No; I could not refuse it.

863. Though you thought him not to be a fit man to represent the country?—I could not refuse Captain Trench, he was my employer, and I could not refuse him a favour. I would not vote for either of them if I was left to myself, and not interfered with at all.

864. Then you were not left to yourself?—I was asked to vote for Captain Trench.

865. On the second occasion you say that the priest spoke from the altar, and said that he would take the votes of any persons who were satisfied to vote for Captain Nolan. At what period of the mass did he say that?—The mass was over.

866. He did not ask you to give your vote at that day?—No.

867. And you walked away?—I did.

868. How far were you from the church before anybody hooted you?—About 50 yards.

869. And then they accompanied you about a couple of hundred yards?—Yes, they did.

Re-examined by Mr. Murphy.

870. You say that Captain Trench was your employer; when he asked you, I suppose that you agreed to vote to oblige him?—I did.

871. He was a good, kind master to you?—He was.

872. And you say that if you had been left to yourself you would not have voted a blackberry. I suppose, about either party?—I do not believe I would.

[The Witness withdrew.]

MR. MICHAEL JOSEPH CONOLLY, sworn; Examined by Mr. PERCE.

Mr. M. J. Conolly.

873. I BELIEVE you reside near Kilsannel, in this county?—Yes.

874. Do you attend the chapel at Kilsannel?—I do.

875. What is the name of the priest?—The Rev. William Manning.

876. Did you attend Kilsannel Chapel in the month of January last?—Yes.

877. Did you attend there about the 14th of January?—I was there on every Sunday.

878. Do you remember the Rev. Mr. Manning making any allusion to the then approaching election?—Yes.

879. Will you tell me the substance of what he said on the first Sunday that he made any allusion to it?—I really could not tell you exactly, because I took no note of the thing at the time.

880. But as well as you remember the substance?—On the first Sunday, that is, the 14th of January, he spoke to the people, and said there was to be a meeting in Ballinasloe, I think, on that day, and that the parties from the different parishes were to go; that whatever part belonged to the Kilsannel parishioners who were going in to attend the meeting should go on to Caltra and join the Caltra people after prayers, and that he would go in with them.

881. Did he allude to any individual in the parish; any Catholic?—He named no Catholic, but he made some allusions to a certain party in the parish, one of his parishioners, as he said, he heard was an agent of Captain Trench's, and he intended voting for Captain Trench; that he was sorry to believe it, and did not wish to believe it.

in, but he was credibly informed of it, and if such was the case he hoped that he would relinquish the office and have nothing more to do with them.

882. If he did not relinquish the office, what did Father Manning say should be done to him?—Nothing that I remember.

883. Do you remember his saying anything in case he did not discontinue so to act, about any unpleasantness that would occur?—No, I do not remember any unpleasantness which would occur to him. I remember (I cannot say that it was upon that occasion) that he said, that as to any Catholic who voted for Captain Trench the finger of scorn would be pointed at him, but as to anything happening to the particular person he did not. On one Sunday (I cannot say whether on that particular occasion or not) he said that any Catholic voting for Captain Trench would have the finger of scorn pointed at him by his fellow-Catholics.

884. Did he say anything about how his fellow-Catholics would look upon him?—They were not to associate with him; that he should not be considered worthy of associating with his fellow-Catholics.

885. Do you know the meaning of a renegade; have you heard that expression?—Yes.

886. Was such an expression as that used?—He may have used such an expression.

887. Do you recollect his having used that expression?—Well, I cannot exactly say that I recollect it.

888. Or any similar expression?—No; I could not really swear that he used the word "renegade." I could not swear now from my recollection that he really used the word "renegade."

889. Do you know a man of the name of Kelly, a bailiff of Lord Clonbrock's?—No; not to my knowledge. I may know him by eyesight, but I am not acquainted with him.

890. Did you hear Father Manning mention his name?—Yes; on one occasion I heard him mention his name.

891. What did he say in reference to Kelly?—He was speaking about some bailiffs who were canvassing on the part of landlords, and he mentioned Kelly as an instance of a bailiff of Lord Clonbrock's who he heard in the previous week had gone to some of the Clonbrock tenantry in the neighbourhood to canvass them on behalf of the landlord. I believe that the tenants were not inclined to vote for Captain Trench, and the man was not inclined to leave the house without a decided answer, but they would not answer one way or the other. He said such conduct on the part of the bailiff was most reprehensible; that Lord Clonbrock himself could not act in a more impudent manner if he had gone to the houses. He also said that he hoped it might not occur again; but if the man did go to the houses he asked them no more than to give him a cold water bath; if he went to the houses that he would not pity him.

892. Do you remember his applying any epithet to Kelly, or calling him any name?—I could not swear to that.

893. Did he say anything about his having been in Portumna some time previously?—He did on one Sunday; on some Sunday he said he had been to Portumna.

894. Did he say that anything had happened to one of Captain Trench's agents there?—Yes; Mr. Kelly.

241—L.

895. What did he say in reference to him?—He said that on the day before, to show the animosity that Trench and his adherents were held in, one of his agents, the day of the meeting at Portumna, had been more than insulted, and had been torn to pieces very nearly by the mob. He said Kelly would have been injured, and he took him to some hotel, I think Taylor's Hotel in Portumna.

896. Did he make any allusion to any ancestor of Captain Trench's; did he say anything about Captain Trench's grandfather?—The family of Trench, and all the ancestors of the Trenches were generally spoken of.

897. Did he say anything about a woman being flogged?—Yes, there was an allusion I think on some Sunday. He was a Trench. I do not know in what relation he stood to Captain Trench.

898. What did he say about a woman being flogged?—I believe that he adjudicated some punishment on a woman. He was in the army, and I believe she was a sergeant's wife, or a soldier's wife, or something of that kind; that she committed some theft, and that he sentenced her to be flogged, and he saw the threat carried into execution.

899. Who saw it?—Captain Trench's ancestor either saw it, or imposed it, I forget which; I think he said it was in Cork, or some place, that she was flogged.

900. Did he say in what condition she was when she was flogged. Was she dressed or undressed?—Partly undressed.

Cross-examined by Mr. McDonagh.

901. I think I understood you to say that you were every Sunday at chapel?—Yes, I think so.

902. But you did not take down in writing any recollection of what you heard?—No.

903. It did not make much impression upon you, I dare say?—I felt rather jealous that I had been spoken of myself from the altar, at least, I took it as being myself that was mentioned.

904. You did take it as being a personal allusion to yourself?—Yes.

905. Surely you were not an agent of Captain Trench's?—I was.

906. I did not know that?—I was asked by his conducting agent to give all my assistance, and I said that I would not by Captain Trench himself.

907. By Mr. Concanen?—Yes.

908. And accordingly you did?—Well I would have done it if I could have done it, but I found it was useless to attempt it.

909. What agency did you fill?—Merely to try any votes that I could get in the country. If I knew any person that would be likely to vote for Captain Trench; in fact, to get votes in the neighbourhood.

910. To canvass for him?—To canvass for him. The words of Mr. Concanen were to give all the influence I could, and ascertain if I knew any one who would vote in the neighbourhood.

911. Is there a large number of voters in that locality?—Yes, a good number of voters.

912. I take it for granted that they are chiefly Roman Catholics?—Principally.

913. Do you happen to know who this bailiff of Lord Clonbrock's was?—No.

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914. Did

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914. Did you inquire into the circumstance?

—Never.

915. You did not take the trouble?—Not in the least.

916. But you have a recollection of what Father Manning said he had heard about this bailiff Kelly, of Lord Clonbrock's, entering the house, and canvassing by the direction of the landlord, and that the tenants were not inclined to vote?—They would not give me an answer one way or the other.

917. And that he would not leave the house?

—Yes.

918. And that Lord Clonbrock himself could not be more imperative?—He could not be more imperious.

919. Had you any communication with Lord Clonbrock?—None.

920. You know that Lord Clonbrock's tenants voted for Captain Nolan, do you not?—I have heard so.

921. Do not you know that the bailiffs and the landlords were going about the country to get the tenants to vote?—Personally I am not aware.

922. Have you the least doubt about it?—Well, I have no doubt that they went round and asked them.

923. That is to say they rendered assistance?—Yes, I suppose so. I have heard so but I have no knowledge of it myself, not the least; they did not come to me.

924. Can you see Mr. Manning here?—(After looking round the Court)—Yes.

925. Were the vestments off when he was speaking?—Yes, after prayers all the vestments were off.

926. The first expression which he used was when he addressed the people in relation to the meeting at Ballinasloe?—I could not tell you.

927. At all events, he did refer to that meeting?—Yes.

928. And he said whatever part of the parishioners intended to go to the meeting, they ought to go by a particular route so as to meet another body of men?—Yes, so as to meet the Caltra parishioners, and he would go with them into Ballinasloe to attend the great meeting which was held in Ballinasloe. He requested them to behave orderly, and not to get intoxicated on that day also.

929. First, that whatever portion thought fit

to attend, they should go to a certain place, any then he begged them to behave in an orderly way?—Yes, that they should join the Caltra Contingent.

930. And then he suggested that they should behave in a peaceful manner, soberly and orderly?—He did.

931. Did he name the agent whom he had succeeded in rescuing from this mischief which was likely to happen to him?—Yes.

932. When he was mentioning the degree of animosity (to use your expression) in which the Trench's were held?—Yes.

933. What was the name?—Edward Kelly.

934. Was that the same Kelly that was the imperious bailiff?—I am sure not.

935. What is the Christian name of that latter Kelly, the agent?—Edward was the Trench's agent.

936. What was Lord Clonbrock's agent?—I do not know at all.

937. You got no votes, I suppose, for Captain Trench?—No.

Re-examined by Mr. Perce.

938. You told my learned friend, Mr. Macdonogh, that you found it useless to endeavour to do anything for Captain Trench. Will you tell us why you found that so useless?

Mr. Macdonogh objected to the question.

Mr. Perce supported his line of re-examination.

Mr. Justice Keogh ruled that the witness could be asked whether he had any reason for not canvassing, he having been employed as an agent.

939. Mr. Perce (to the Witness).] What was your reason for desisting from canvassing?—I found it useless to canvass because votes could not be had. I even told his conducting agent that had the election taken place a month earlier than it did, Captain Trench's chance would have been a much better one.

940. Why did his chance deteriorate?—It was growing smaller by degrees then and beautifully less.

Mr. Justice Keogh.] These general propositions are of no use.

[The Witness withdrew.]

EDWARD KELLY, sworn; Examined by Mr. Sergeant Armstrong.

E. Kelly.

941. You reside in this country and are a Roman Catholic, I understand?—Yes.

942. Were you in any way engaged in the last election on behalf of Captain Trench?—I was acting for him.

943. Will you be good enough to read that letter (handing a letter to the Witness); I believe that is your own handwriting?—It is.

944. Will you just read that letter to yourself?—(After reading the letter). Well, I do not care if I read it in open court.

Mr. Macdonogh applied to see the letter, but would not undertake to read it in open court.

Mr. Sergeant Armstrong declined to give Mr. Macdonogh the letter unless he would read it aloud.

Mr. Justice Keogh ruled that as the letter had been put into the Witness's hand, it might be handed to Mr. Macdonogh. (The letter was handed to Mr. Macdonogh).

945. Mr. Sergeant Armstrong (to the Witness).] Were you appointed as an agent to endeavour to get votes?—I got a letter from Mr. James Connamen to that effect asking me to act.

946. Did you act at all?—I did my uttermost as much as I could, but that was very little.

947. In what part of the county were you acting?—In the Barony of Leenane.

948. What parish church do you attend?—The parish chapel of Garraha.

949. What is the name of the clergyman there?—The Rev. Father Manning.

950. Did you ever hear him make any allusion

to the election from the altar during the month of January last?—All I heard Father Manning say after the post communion was this: he took the missal, and read a passage from it, "Give to Cæsar what is due to Cæsar, and to God what is due to God!" and he drew an inference from that to teach the people to give their rents to the landlords, and their votes to whom they liked.

951. Did he take down any names?—I did not see him take down any names.

952. Had he any list of paper and pen at the time in his hand?—I did not see it.

953. Did he name any particular voters at all?—Not to my knowledge.

954. Did you yourself experience any personal violence whilst you were endeavouring to canvass?—I did. I did not experience any personal violence, but frequent offers were made to it.

955. You are a stout man, able to defend yourself to a certain extent; will you explain to his Lordship what happened?—On the 15th January, which was Fair day in Portumna, a man came in in Taylor's Hall, and said, "Was I an agent of Trench's?" I said, "Whatever was it to him?" They began jesting, and I would have been struck but for the Reverend Father Manning.

956. Was Father Manning there?—He was.

957. Were there other people with this man who jested you?—Yes, about five.

958. Did you know them?—I knew but one of them.

959. The rest were strangers to you?—Yes.

960. Were you assailed elsewhere at any other time?—I was threatened at frequent times to be assailed, but I received no personal injury.

961. Had you in any way to defend yourself?—I had not. If I had I would have defended myself if it was necessary.

962. Had you arms about you?—No sir, all I had was those arms (*stretching out his arms*).

963. Take the letter in your hand again.—(*The letter being handed to the Witness*).—Just read the first page of that again quietly to yourself.—(*The Witness read the letter*).

964. Did you threaten to use a revolver?—If I had it; if I had any arms I would use them to protect my life.

965. Did you tell them so?—Yes.

966. You said that to the fellows who assailed you?—Yes.

967. How often was there an attempt to annoy you in that way?—Not very often in that way, because I do not think that I would be afraid of a great many of them.

968. You would be able to take your own part. Did they make any attempt upon the harness of your car and horse?—They said that they would cut it, and the ears off my horse if I attempted to vote for Captain Trench.

969. To what extent did Father Manning interfere to protect you?—He interfered in every possible way, and brought me into the parlour, and said, "You may thank me now, or else I think you would have got a good thrashing."

970. Whose house was that?—Taylor's Hotel in Portumna.

971. Did those fellows desist from their insults on Father Manning's intervention?—They did.

972. Where was it that the threat was made to cut your harness and cut the ears off your horse?—In Portumna.

973. Did you know the fellows who used that language?—I did not.

241—4.

974. Are you well acquainted with that neighbourhood?—Perfectly.

975. And generally speaking with the population there?—With the population.

976. Did you before the election and about that time of which you speak observe strangers whom you never noticed before?—No. There are a great many people along the Shannon side whom I do not know. That is when you leave Kellar's Mills and on beyond Rosmore, there are a great many strangers coming in that I do not know.

977. Where do you live?—I live at Ledpark, near Tuam.

978. How far is that from Tuam?—About six-and-a-half miles.

979. Did you go home that night?—I did not.

980. Where did you stay?—I stayed in the hotel.

981. Was that for security?—Mr. Taylor told me not to go, for if I did I would be the worse for it.

982. Do you know anything as to whether Lord Westmeath's pew was opened or not?—I saw it crushed.

983. Will you describe what you mean by that?—It is a frame pew with five bannisters like forming the back, and those five bannisters which formed the back were broken, but the frame is not broken; the frame is crushed.

984. The frame was crushed, but the bannisters were broken?—Yes.

985. Do you mean that the upright boards were put out of the perpendicular?—I took very good care to examine this pew on last Sunday, after I went to mass. I paid so great attention to it the day it was crushed. When I saw it last I saw new-planed boards, that is bannisters put into the back of the pew instead in its usual way, standing as it always was.

986. But you say that you saw it crushed at one time and the boards were lying down?—The bannisters were crushed out of it.

987. And what became of the boarding?—I did not pay much attention to it.

988. Was it displaced in any way?—It was out of its place.

989. What you call the panneling?—It was torn out of its place and pitched down, so that the men in the behind pew could not kneel in it.

990. Did you, on any other occasion, beyond hearing that about Cæsar and God which you heard, hear anything said by any priest at the altar?—I did not. I was not at mass for the two Sundays before that.

991. Have you a vote yourself?—I have.

992. Did you vote?—I did.

993. Where did you vote?—I voted at Loughrea.

994. Were you present at any of the large meetings which were held?—I was at Portumna. At no other meeting. I had to go into the fair, and I went there. The 15th of January was the fair day, that is how I recollect it.

995. Was there a great gathering?—Yes, a very large gathering.

996. Were there many priests there?—Not over many; about six or seven, I think.

997. Was the land there?—No.

998. Have you a pew?—I have.

999. Where was it?—In Garwut Chapel.

1000. Did anything happen to it?—Not anything.

n 3

Cross-examined

E. Kelly.

4 April
1872.

E. Kelly.

Cross-examined by Mr. Macdormet.

4 April
1872.

1001. How long were you acting as bailiff or agent or assistant of Captain Trench?—I was led to believe that I was appointed from the commencement.

1002. And you continued it down to the time of the election?—I continued it up to the 3rd of February.

1003. I understood you to say that during all that time you did not receive any personal injury?—No.

1004. Nor was your horse injured, nor your car injured?—No, only threatened.

1005. Did you vote?—I did.

1006. For whom did you vote?—For Captain Nolan.

1007. You altered your mind, then?—I did, mainly through my wife's influence.

1008. On this day that you were in the chapel, on which the Reverend Father Manning said that Caesar ought to receive what belonged to Caesar, and that the people should be allowed to vote as they liked, and should pay the rent to the landlords, did you consider that a fair view of the case?—Yes, I did.

1009. Do you think that the landlords ought to be satisfied with the rent?—They ought to get a little more than the rent. I think they ought to be complimented somehow.

1010. Do you not think that a vote ought to be given to somebody else, if the person having the vote thought it ought to be given to somebody else?—Well, I think that if a landlord wishes a tenant to vote, he ought to vote for him.

1011. For the sake of good living?—Yes, exactly.

1012. Supposing that a good living was given to the tenant, ought he to consider that in the nature of a reward?—He ought to try before the election comes on, if he has a good landlord.

1013. Supposing that you had a good living, and there were a great number of non-electors interested, that a great measure was going to be passed, such as the disestablishment of the Church, for instance; do you think that you ought to vote for the landlord because he gave you a good living, against your conscience?—I would not vote against my conscience on any account.

1014. Is it your conscience that you ought to vote for a man always who would give you a good living?—No, it is not. My conscience is that I ought to vote what is right, but I certainly think that the landlord is entitled to some compliment from the tenant.

1015. That is not what I asked you. Do you consider that a landlord would have a right to a vote, against the tenant's belief?—If the tenants were left to themselves, I would let them go and consult among themselves, and I think the landlord would have a fair chance of it.

1016. Do you think so?—I do indeed.

1017. Did you think that at the time of the late General Election for the Church Bill, if the tenants had been left to themselves they would have voted for the landlords?—I am a bad politician.

[The Witness withdrew.]

Constable JOHN KEATING sworn; Examined by Mr. Morphy.

J. Keating.

1018. Where you stationed in this county on the 14th of January last?—Yes.

1019. What place of worship did you attend on that day?—Claregalway Chapel.

1020. Who was the reverend gentleman officiating there on that day?—The Reverend Thomas Walsh.

1021. After the service was concluded, did you hear anything said in reference to the election?—I did.

1022. Will you tell us, as near as you recollect, what it was that he said?—He said that Captain Trench ought to be put in the trench.

1023-24. A very good pun. What next?—And those of his parishioners who would vote for him should and would be put in the trench; and we be to the men—we be to the parties from this parish who would dare to give him their votes.

1025. Did he repeat that more than once?—He did.

1026. How often did he repeat that?—He did not repeat the entire of it more than once; he repeated it secondly.

1027. What did he say when he repeated it secondly; how did he vary it?—I do not think he varied the words when repeating it secondly.

1028. Repeat it now just as you recollect, what he said?—On the second occasion he said that the parties out of this parish who would vote for him should be put in the trench.

1029. Was he on the altar when he was saying this?—He was.

1030. Had he the vestments on or off?—They were on.

1031. Do you recollect his saying anything

further about the people who would vote for Captain Trench or Trench, where they would go to, or what would become of them?—He said the enemies of the Roman Catholics were long enough with their feet on our necks, and that the person who would now vote for Captain Trench would still be giving an opportunity to the enemies of the Roman Catholics to keep their feet on our necks, and that the Roman Catholics who would be that were sacrificing their eternal salvation. That is as near to the words as I can give it to you.

1032. Was this said in a loud tone?—It was.

1033. Was the gentleman in an excited state when saying it?—Yes; very excited.

1034. Did you attend the same piece of worship on the next Sunday?—I did.

1035. Who officiated on the next Sunday?—The same gentlemen.

1036. Was the subject of the election introduced on that day?—He spoke in Irish on the next Sunday. I could not understand the Rev. Mr. Walsh's Irish; he speaks very quickly; but I knew the subject, that it was the same subject as on the previous Sunday, when he spoke in English.

1037. You were able to make out that much of it, that it referred to the election?—I am aware of it.

1038. Do you mean that you understood the Irish so far as to enable you to understand that?—Yes.

1039. Did you see any persons interfered with just about that time in consequence of the part they were taking?—On that Sunday about the election?

1040. Yes;

1040. Yes; about the time previous to the election?—I do not recollect.

1041. Were you witness yourself to any assaults?—No.

Cross-examined by Mr. Macdonagh.

1042. May I take leave to ask you what is your rank in the force?—A constable.

1043. Where were you stationed at that time?—At Loughgeorge.

1044. How far had you to go to the chapel?—It is about an English mile.

1045. I suppose that from time to time there used to be very large congregations?—Yes; good congregations.

1046. Where were you on the day of the polling?—At home in Loughgeorge.

1047. Where were you on the day of nomination?—At Loughgeorge.

1048. You stick to Loughgeorge. Were you not moved at all in the county?—No; not during the election.

1049. You had to keep that particular place in charge?—The reason I was at home I believe was this: I was unwell for 10 or 15 days, and I had not resumed duty at the time that the men were ordered for election duty. Probably that might be the reason that I was not ordered for election duty.

1050. Did you take no notes of what you heard the clergyman say in the chapel?—No.

1051. Did you take them out of the chapel?—I did.

1052. I guessed that a policeman would take notes. I do not mean bank notes, they would not look at those, but notes in writing that you took down?—Yes.

1053. Shall I trouble you for them?—Shall I tell you what I have done?

1054. Do not tell me what you have done. Have you notes?—I have what I wrote after going home. I intended to report it that evening. That is what I wrote after going home (*producing a paper*); it was a confidential report which I made of it.

1055. Did you take notes of what you heard in the chapel?—I make a report.

1056. I am not asking you of making a report. Did you take notes?—No, I did not, in the sense of the word. I believe I did not take notes; it was from memory that I took this down.

1057. I am not asking you about your memory at present, at all. To prevent confusion, when you went home on the Sunday, you did not sit down and take notes of what you had heard?—No, I did not.

1058. Is Mr. Walsh here?—I do not see him.

Mr. Sergeant Armstrong stated that Mr. Walsh had been subpoenaed.

1059. Mr. Macdonagh (to the *Witness*). When he talked of this pun upon the name of Captain Trench, did the people laugh?—No.

1060. You would not laugh, I know. You do not look a man who would laugh?—I did not laugh.

1061. But any one who voted for Trench should be put in a trench?—In the trench.

1062. You saw no merriment excited by that?—No, on the contrary; the people seemed rather to be in awe of the manner in which he spoke. He was very excited.

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1063. Did you understand when he was saying that "the enemies" of the Roman Catholics were long enough with their feet upon our necks," that that referred to the period before Catholic emancipation?—Well, I did not.

1064. You do not know what is referred to, I suppose, though you are an intelligent man?—I have no idea as to the period that he referred to.

1065. You are not an Irish scholar?—No.

1066. And this gentleman has a rapidity of utterance?—Yes, he has.

1067. Which prevents the people from clearly knowing what he says, just as when you hear a foreign language, unless it is spoken calmly and gently you cannot so well pick it up?—No.

1068. You know a little Irish?—I do.

1069. And if it is spoken very leisurely, I dare say you would make out some of it?—Yes; if spoken leisurely I could understand it.

1070. But between the circumstances of the language being strange to you to a certain extent, and his rapidity of utterance, you could not make out what he said?—No. I would not be able to swear to it, as to the subject, after hearing him speak in Irish.

1071. On the occasion when he was speaking in English he was excited?—He was.

1072. And he was using the same rapid mode of speech?—Yes.

1073. How far were you from him?—Well, I think I was not more than six or seven yards from the altar, where I sat; from five to seven yards.

1074. And when you said that you saw no assaults, you meant, I presume, to apply that answer to the whole period of the election; you saw no assaults at all?—No.

1075. None, whatever?—No.

1076. Nor any rioting?—Nor no rioting?

1077. Is there a large number of voters in that locality of Loughgeorge?—There are a pretty good number of voters. I believe there are a good number. I cannot exactly say about how many, but I know that in many town-lands I could nearly tell you the number. The Rev. Mr. Walsh had a list of them on that day, though he did not read the entire of it.

1078. Can you tell me about how many voters there are in the town-lands with which you are familiar?—Well, I think there may be 30, perhaps, in the surrounding town-lands about Loughgeorge.

1079. I presume that they are all Roman Catholic voters; that there are no Protestants in the neighbourhood in that class of life?—As small farmers?

1080. Yes?—Well, I think not.

1081. Did you see the agents of Mr. Trench busy about that locality?—No; I did not know any of his agents.

1082. You did not see one of them?—I do not recollect seeing any of them.

1083. Did you see persons like bailiffs?—No. I may tell you that I have been only a short time in Loughgeorge, and I was not acquainted with the people, otherwise I might have known the agents, if they were his.

1084. But had you seen, at the public-house, any persons like bailiffs, trying to get people in to drink there?—No.

1085. In the course of Father Walsh's observations in the chapel, did he say that certain bailiffs were endeavouring to coerce the tenants

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A. Keating.

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1872.

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J. Keating.

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of Lord Clanmorris to vote against their wishes?—I believe he did.

1086. Will you let me ask you upon which of the occasions to which you referred when you gave your direct evidence to Mr. Murphy opposite, it was when Mr. Walsh spoke of this attempt at coercion?—I believe it was on the 14th.

1087. And you had that perfectly in your memory, I presume, when you were giving your evidence?—No.

1088. Not until I brought it to your memory had you given your evidence before you came on the table to Mr. Connelley?—A portion of it.

1089. Not the whole?—No.

1090. Why did you give only a portion?—He never asked me for my evidence in full. He asked me a few questions.

1091. When was it that he was writing down your evidence?—Never knew him to write down my evidence; but I saw him taking notes one day.

1092. When was that. When were you first in his office?—At the time of the seizures. It was first in the streets, and, secondly, he spoke to me in the Court-house.

1093. Did he then take you to his office?—No.

1094. He took some notes of your evidence?—He took some notes of my evidence.

1095. Now that I have refreshed your memory, tell us what Father Walsh said about the coercion of Lord Clanmorris' tenants against his Lordship's orders?—He said that Lord Clanmorris allowed his tenants, I think, to vote for whom they chose, and some other landlords, he said; but my recollection is that he said that there were parties (I do not think he said "balliffs") who were striving to canvass them for Captain Trench.

1096. When speaking of the coercion practised by balliffs, did he not say that he was speaking of the coercion of balliffs even against the will of their own landlords, and that balliffs of Lord Clanmorris were canvassing the tenants against his Lordship's express permission given to the tenants to vote?—I believe not.

1097. You do not differ from me about the word "balliffs"?—I cannot exactly say whether it was "balliffs" or "parties." I cannot say the exact words which he used.

1098. But you did understand him to say that he was mentioning the circumstances of coercion practised upon the tenants, did you not?—I do not think that he mentioned it as coercion.

1099. What did he mention it as?—Well, a persuasion, I think.

1100. Gentle persuasion?—I do not know.

1101. Persuasion of whom?—Of the tenants.

1102. Though Lord Clanmorris had given permission to them to vote as they pleased?—He said so.

1103. But you do not undertake to give us accurately the words?—No.

1104. Perhaps you cannot undertake to give us accurately the full substance of all he said?—I could not.

1105. And I presume that the reason that you cannot give us either the very words or the substance, is very much to be attributed to that same rapidity of speech?—No, it is not.

1106. Then it is owing to some imperfection in your own intellectual powers, I suppose?—It is owing to this, that a portion of the subject had not that same interest that the other portion had.

1107. Therefore, a policeman listening to a conversation and listening to this same portion, would have a more peculiar interest for this than the other?—It had.

1108. And yet it was all about the election, every word of it?—Every word of it was about the election in that part.

1109. Did Mr. Walsh, in the course of his observations upon any of the occasions which you have mentioned to his Lordship, complain of drink being given by Captain Trench's balliffs or agents, or persons canvassing for him among the tenants?—I do not recollect that he did.

1110. Will you swear that he did not?—I would not swear that he did not, because he may have done so, in Irish, without my understanding him.

1111. May he have done so in English?—He scarcely could. I do not think that he could.

1112. But you will not swear that he did not?—No.

Re-examined by Mr. Murphy.

1113. Did you write that down that evening (*holding a paper to the Witness*)?—That evening.

1114. Did you send a copy of your report?—

Mr. Macdonagh objected to the question.

Mr. Justice Keogh allowed the objection.

1115. Mr. Murphy (*to the Witness*). Did you write that down that evening?—I did.

[The Witness withdrew.]

After an adjournment,

JOHN McLOUGHLIN, sworn; Examined by Mr. PERCE.

J.
McLoughlin.

1116. Do you generally attend mass at Cloesh-doughton chapel?—Yes.

1117. Did you attend there last January?—I did.

1118. What clergyman usually says mass there?—Father Coen.

1119. Do you remember Father Coen on any Sunday taking a list of names?—No.

1120. Do you remember his telling any of the people to go out and leave the chapel?—No.

1121. Do you know a man of the name of Farthey Hinds?—Yes, I do.

1122. Do you remember his being in chapel any Sunday in January?—I do; I was not to the fore.

1123. Were you in chapel?—I was.

1124. Did you hear any one ask Farthey Hinds to put down his name?—No, I did not.

1125. What did you see done to Farthey Hinds?—I did not see anything done.

1126. Did you see him leave the chapel?—I did not.

1127. Did you see him outside the chapel?—I did not.

1128. Did you see him inside the chapel?—Yes.

1129. Did you see him go out of it?—No, I did not; I went away before he went.

1130. Did you hear Father Coen, one Sunday at chapel, telling all the voters to remain in chapel?

chapel until he would take down their names: on your oath did you?—Yes.

1131. Did he take down their names?—I was not to the fore; I do not know what he did do.

1132. Had you a vote yourself?—No.

1133. Did Father Conn order the people who had no votes to go out of the chapel?—No: they could go at their own liberty.

1134. Did he order them?—No, he did not order them because the door was open for every man to go out.

1135. Did the men who had no votes go out?—They did.

1136. Did the men who had votes stay in?—They did.

1137. Did Father Conn go to the door?—He stood at the door.

1138. Did he close it?—He did not.

1139. What did he say when he was standing at the door?—Nothing; but those that had a vote he kept them back.

1140. Had Farthey Hinds a vote, do you know?—To the best of my belief I think he had.

1141. Did he keep Farthey Hinds back?—Not in my presence.

1142. Did he escape?—He was at mass on that Sunday.

1143. Was he kept back, or did he get out?—I could not say, because I was not to the fore.

1144. Did you hear any one do anything to him?—No.

1145. Or say anything to him; upon your oath, did any one hawl or shout at Farthey Hinds?—No: because I went out.

1146. If you were there, could you hear what was said; did you hear any noise; any roaring or cheering?—No; I did not remain in the yard after going out.

1147. Did you hear any noise?—I did not.

1148. Had Father Conn any paper in his hand when he was standing at the door of the chapel?—No, not to my knowledge; I did not see it if he had.

Mr. Justice Keogh (to Mr. Marshagh.) Do you wish to cross-examine this witness?

Mr. Marshagh.] No, my Lord.

[The Witness withdraws.

Mr. ROBERT POWER, sworn: Examined by Mr. Serjeant Armstrong.

1149. I AM very happy to see you after an absence of some time. You are Clerk of the Peace of the county of Galway?—I am.

1150. And you have been so for a long time. You are also a landed proprietor in the county?—Yes.

1151. Do you know the Rev. John Kenney, parish priest of Kiltcrust?—I cannot say that I know him, but I received a letter from him.

1152. Was it in the month of January last?—It was.

1153. Have you the letter about you?—No.

1154. Is it in existence?—No.

1155. Was it destroyed?—I got a letter, and

I replied, stating that I had some claim upon the tenants to vote for me, but if they would not I hoped that they would not vote against me—something to that effect—and I gave him my own opinion upon the subject of the present election. Very soon after that I received a letter from a very respected friend requesting that I would keep my letter to be inserted in this Petition. I wrote in reply, stating that I could not think of giving a private letter for an Election Petition, and I then, or very soon after, burnt the letter and the answer, because I was not aware at the time that any copy was kept of it. I thought that it was full time to get rid of elections and petitions at this period.

1156. You burnt it, not knowing that there was a copy of it?—I did. If I had known there was I should not have burnt it, of course.

1157. There happens to be a copy of it, and I will read it. No doubt it is a copy, and we are in a situation to prove it.

Mr. Marshagh.] My Lord, is this regular?

Mr. Justice Keogh.] I assure you that I have over and over again, both in English courts of justice and before Committees of the House of Commons, heard that accepted by counsel on both sides.

Mr. Marshagh.] I did not hear the whole of what Mr. Power said. It was a private letter, as I understand.

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Mr. Serjeant Armstrong.] It is not marked "private," and never was marked "private," but we have possession of it, and I will use it without the slightest hesitation.

Witness.] That was my description of it; it was not a private letter: it was written to me.

Mr. Serjeant Armstrong.] We got a copy of it, but Mr. Power was not aware that we had a copy of it.

Mr. Murphy.] In one sense it was a private letter.

1158. Mr. Serjeant Armstrong.] "Kiltcrust, 19th January, 1872.—Dear Sir,—I spoke to your tenants at Gurbleshamme immediately after their confession and Holy Communion, at the station there, on the election, and they believe that if they voted for Captain Trench they would vote contrary to the dictates of their consciences. Besides, they and I believe it would be a terrible act of scandal and disaffection to vote for a Trench, and that the act of doing so would be endorsing the anti-Catholic and unjust doings of the Trenches against our Church. It is my duty as their priest to see that they will not be guilty of the above (crimes), and I feel that you will not strive to force them into any spiritual or temporal difficulties. I am, dear Sir, yours, &c., John Kenney."—That is the letter.

1159. You replied to that letter of the 19th January, 1872?—Yes.

Mr. Serjeant Armstrong.] Is the Reverend and Mr. Kenney here?

Reverend John Kenney.] I am.

1160. Mr. Serjeant Armstrong.] Do you produce a letter addressed to you by Mr. Power, of the 22nd January?—No.

1161. Have you it here?—No.

1162. Do you produce a copy of it?—No.

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Mr. Serjeant Armstrong.] I will read it, "Upper Dangan, Galway, 22nd January, 1872. Dear and Reverend Sir,—In reply to your favour of the 19th instant, I regret much being obliged to differ with you, as I am satisfied it would not be a terrible act of scandal and dissimulation to vote for Captain Trench as stated in your letter, for this simple reason, that the question of religion is not involved in the coming election; if it was, nothing would induce me to vote for Captain Trench, and I would do all I possibly could against him. Faults are personal. The highest ornaments of our church are converts from the greatest houses of the greatest bigots of pious and piousness. On the point of landlordism and tenant right Mr. Nolan has no claim. I am satisfied my tenants would vote with me if left to themselves. I have but three in Gardinmaugh, John Buckley, Hugh Deedy, and John Walsh. Now, my good and reverend sir, I have no idea of using coercion with any man. If they vote for Captain Trench I will be very much obliged, but if not, let them stay at home, and I hope you will tell them to stay at home. I have some little claim on their friendship; I gave all of them new leases a few months ago for 21 years at the old rent. Many years ago I got money from the Board of Works and laid it out with my Steward, Con Magenis, at additional expense, and did not charge a farthing. They are the only tenants I have that have a hanging gale. It was with the greatest exertion I was able to get a presented road from Kilschrist, as I was opposed in it by saying it went to no post-town, but remained there. I use no coercion but merely ask the votes for Captain Trench. If they refuse to vote I hope and expect they will remain at home. I remain, dear and reverend sir, yours truly, Robert Power."

Mr. Justice Keogh.] Is that admitted to be a true copy?

Mr. Macdonagh.] I can make no admission, my Lord; but I understand that the gentleman believes that it is.

1163. Mr. Serjeant Armstrong (to Mr. Power).] Do you believe that to be a true copy of the letter?—I do. I am satisfied that it is.

1164. Do you recollect a visit from Bishop McEvilly, the Bishop of Galway, before the letter was burnt?—I have had many visits from him.

1165. Do you recollect whether he called upon you and alluded to that letter of Father Kenny?—I do not think that he did. He called upon me before that with reference to a letter which I had received from my tenants.

1166. Did he call upon the subject of the canvass which was going on in the county?—No, he did not.

1167. But with reference to a letter from your tenants?—With reference to a letter from my tenants who represented themselves to be afraid of the mob.

1168. And you sent this to the Bishop, and you called upon the Bishop, with reference to it, was that it?—I think so.

Cross-examined by Mr. Macdonagh.

1169. Was Captain Nolan's father a friend of yours?—Yes, I knew his father, and his grandfather; he and I were schoolfellows.

1170. And I believe you were friends?—I never saw Captain Nolan once.

1171. I am speaking of his father?—Yes, I was a friend of his.

1172. Do you remember when his brother canvassed you, your saying that he should have your support as you were an old friend of his father's, but that as Lord Clanricarde was against him you could not vote?—I had always voted in the Clanricarde interest. The only thing which he said was, "You will support the Clanricarde interest," which I did, and have done so from that day to this.

1173. And you made that promise?—I did.

1174. And you told Mr. Nolan, when he canvassed, that you would vote for the son of an old friend, but that as Lord Clanricarde was against him, you and your tenants would vote against him?—Yes, I considered myself always bound to vote in whatever way the Clanricarde tenants voted.

1175. And did you not always say that you considered that your tenants should also vote in the same way?—Of course, that is understood.

1176. That is your kin, namely, that the tenants should vote with the landlord?—I think so.

1177. And if Lord Clanricarde had not joined with Lord Clanricarty, is it not a fact that you would not have voted for Mr. Trench?—I would not. I conceived myself bound by that promise.

1178. And you conceived that your tenants were bound by it too, did you not?—I considered that in good feeling they would, because I was always kind to them.

Re-examined by Mr. Serjeant Armstrong.

1179. You have been asked with reference to this adhesion of landlord and tenant. As far as your experience of the county of Galway goes, which has been of long continuance, has it been the usage that the tenants go with the landlord?—Yes.

Mr. Macdonagh.] I think that very objectionable.

Mr. Serjeant Armstrong.] You began it.

Mr. Macdonagh.] I confined my observation to the circumstances of Mr. Power himself.

[The Witness withdrew.

Mr. Serjeant Armstrong (to the Rev. Mr. Deedy).] Do you produce the list of voters which you put down?

Mr. Macdonagh.] I object to that question. If you wish to examine Father Deedy, examine him.

Mr. Serjeant Armstrong.] I call him upon his *daces* *teem*. This gentleman is called upon his *daces* *teem*. This is Father Deedy who has been mentioned in the evidence of Laurence Walsh. I am not bound to swear him at all. I call him on his *daces* *teem*.

Mr. Macdonagh.] And my learned friend has a right to ask him to produce the paper.

Mr. Serjeant Armstrong.] I did nothing else but ask him to produce the paper. (To the Rev. Mr. Deedy.) Have you the list of voters which you took down in the chapel?

Rev. Mr. Deedy.] I wish to ask a question. I have been here ever since Monday, summoned by Captain Trench's agent, and I wish

wish to know about my expenses before I answer at all.

Mr. Justice Keogh. You are entitled to your expenses.

Mr. Sergeant Armstrong. You shall have your expenses.

Mr. Connaught. My Lord, none of the Rev. gentlemen made any application for their expenses until about five minutes ago, and I told them that whatever your Lordship ordered, or your Lordship laid down, I would abide by.

Mr. Justice Keogh. Of course you are entitled to your expenses.

Rev. Mr. Dooley. I have not brought the list. I know that I had a list, I have searched for the list at home, and could not find it, but I acknowledge that there was such a thing as that.

Mr. Sergeant Armstrong. Did you send it forward to anybody?—No; I did not.

How far away do you reside?—I suppose that it is about 25 miles from this.

There was a list, and you took down the names of the voters?—Yes; I have not destroyed it intentionally, but it has been mislaid.

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MR. EDMUND MORRIS, sworn; Examined by Mr. Murphy.

1180. Were you at the Chapel of Clare, Galway, on Sunday the 21st of January last?—I was.

1181. Who officiated that day?—Father Thomas Walsh.

1182. Did you hear him say anything about the election?—Yes.

1183. What was he saying about it?—He said that he wished that the persons would vote for Captain Nolan.

1184. What further did he say about anyone who would vote for Mr. Trench?—Did he say anything?—He did.

1185. He said what?—He said that he wished that they would be Trenched.

1186. Was it in Irish, or in English, that he was speaking this?—In Irish.

1187. Did he say anything about the chapel, or about people coming into the chapel, who would vote for him?—I did not hear that; I saw him getting excited, and I left the chapel.

1188. Tell us accurately as you can what you heard before you left?—What I have expressed.

1189. Think again, and tell as well as you can what he said during the time you were there?—He said that anyone who voted for Trench, let him go into the Trench, and so on.

1190. I want you to say what the "so on" was?—I think that I could not go further; it was that he would Trench them.

1191. Were you yourself a supporter of Captain Trench?—I did vote for him.

1192. Was anything done to you at the chapel, or in any part of the parish?—Not at the chapel.

1193. Where else?—Near my own door.

1194. What was done to you?—I got a blow with a stick on my head.

1195. Were there many persons present when they struck you?—Six or seven of them.

1196. How many sticks came down on your head?—Was it more than one?—There was only one, I think. This was a good while after the election.

1197. Before the election, what was done to you?—My hat was knocked on my head; when I was coming into Galway on the day of polling I got a rap of a stone, and my hat was hit.

1198. Was the hat injured?—It was.

1199. Was your head hurt?—No, my head escaped that time.

1200. Did you see where the stone which struck you came from?—I did.

1201. Where did it come from?—From a chap behind on the road.

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1202. How many of the chaps were there?—There were a good many from Castlebar, within two miles of the town here.

1203. Near the chapel?—At the side of the chapel.

1204. Besides throwing a stone at you, did they say anything to you?—They hooted me.

1205. That was on the day of the polling?—It was.

1206. Did they say anything that you recollect; did they use any words so as to be sure that they knew you, and what they were going in for?—They did, I believe.

1207. What did they say?—They knew me, and they called me a jumper.

1208. And what?—That is all, I believe.

1209. That was on the day of the polling?—It was.

1210. Before that, had they abused you in any way with any of these little epithets?—They did.

1211. Where?—Everywhere that I was going about.

1212. Sundays as well as week days?—Every day.

1213. What was the first day that you heard Father Walsh say anything in the chapel about the business?—I believe that day which has been named.

1214. The 21st?—Yes.

1215. Was it after that that you received all these attentions from the neighbours?—It was.

1216. You were able to live quietly enough before that?—I was.

1217. Think over with yourself; do you recollect anything being said about keeping out of the chapel any persons—not letting any persons enter the chapel?—I heard some people saying it after I left.

1218. Was it within the chapel that you heard them talking of it?—Yes.

1219. Tell us what they said.

Mr. Macdonagh. I object to this, my Lord.

1220. Mr. Justice Keogh. Were they voters?—I do not know.

1221. Mr. Murphy. Were they members of the congregation?—They were.

Mr. Murphy. I submit, my Lord, that if they gave it as a report, it is admissible. The effect of it is another question.

Mr. Justice Keogh. I do not know that.

Mr. Murphy. It has an effect in itself independently.

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Mr. Justice Keogh.] Yes, if they were voters; but I think not if they were not voters.

Mr. Murphy.] My Lord, suppose that a crowd of persons met this witness on the road.

Mr. Justice Keogh.] It would admit general hearsay. You cannot do that.

Mr. Murphy.] My Lord, I submit that hearsay, as affecting this man, is evidence. How can it be placed on any other ground than statements by a number of persons?

Mr. Justice Keogh.] If you could connect those persons in any way with the sitting member, you could show that it was done with the view of intimidating—I am clear that you could; but if it is a mere narrative of events, then I say, no. If it is shown to me to be so connected with the general charges that it was done with the view of intimidating this man, then you can give it in evidence, but you cannot do so as a mere narrative.

1222. Mr. Murphy (to the Witness).] How many were the persons who were talking to you?—I could not say.

1223. Were there several?—I heard a few speaking of it.

1224. Were they telling it to you directly, or did you merely hear them talking about it?—I heard them talking about it.

1225. Were they telling it to you?—They were.

1226. Were they talking to you about your vote?—No; I do not know that they were.

1227. Give me the names of some of them.—I do not think that I could do so; there were a good many of them.

1228. Do you say that two men told you that?—I think more.

1229. Do you mean to say that you do not know the name of any one of them?—Upon my word, I could not, for I could not bring it to bear.

1230. Were you at the chapel on the following Sunday, the 28th?—I was.

1231. Was anything said from the altar on that Sunday?—The first Sunday was the most violent.

1232. But we want to know the next violent; it was on the 28th, I suppose.—I do not think that he got very excited.

1233. When he was quite cool, tell us what he said; did he address a few words from the altar?—He did—about the miller's dog.

1234. How was that brought to bear on the election?—I believe that it was Lord Clancormie's bailiff that he was hinting at.

1235. Tell us what he was saying.—He was trying to prevent Cullenan having anything to do with Lord Clancormie's agency.

1236. What did he call Cullenan?—The miller's dog.

1237. Was Cullenan in chapel on that day?—He was.

1238. Was he in chapel at the time he was talking in this way about him?—He was.

1239. Did you see Cullenan on leaving the chapel?—I think that I left before him.

1240. Was Cullenan talking to you afterwards, as to what was said about him?—He was; we were talking of him.

1241. Do you know Cullenan to be a voter?—I do.

1242. And you and he were talking about this?—Yes.

1243. What did Cullenan tell you about what was said in the chapel?—I heard it myself, as well as Cullenan.

Mr. Macdonagh.] My Lord, there is no doubt of the distinction to which your Lordship adverted a few minutes ago, and it has been ruled that in the case of a scurrility, the person becomes a party to the declaration, and what he has said is admissible. The witness has said that he heard it himself.

1244. Mr. Murphy (to the Witness).] Was it after you left the chapel that Cullenan and you were talking?—Yes.

1245. Where?—It might be on the way home.

1246. Do you recollect meeting any persons on the way home, or their coming up after you on that day?—No.

1247. Were you heated on that day?—No.

1248. Were you at the chapel on the following Sunday, again?—I was.

1249. Was anything said about the election on that day?—I do not recollect that there was; there might be.

Mr. Macdonagh.] That must have been after the election.

1250. Mr. Murphy.] At the time that he spoke on the two occasions which you have mentioned about the election, was it from the altar that he spoke?—It was.

1251. Had he his vestments on at the time?—He had.

Cross-examined by Mr. Macdonagh.

1252. I understand you to say that you voted for Captain Trench?—I did.

1253. Were you employed for him for any purpose—were you an agent of his?—No.

1254.—Or a bailiff?—No.

1255. Did you give him any assistance during the election?—I worked for him.

1256. And you voted for him?—Yes.

1257. Did you give any person drink for him?—No.

1258. Did you get drunk yourself?—I did.

1259. Who gave you the drink?—Martin Cullenan.

1260. Did he give it to you more than once?—No.

1261. When did Martin Cullenan give you drink?—We often took it.

1262. On what particular day did Martin Cullenan give you the drink?—We took the drink on that particular day.

1263. Who paid for the drink?—I do not think that it is paid for at all yet. Martin Cullenan will pay for it.

1264. Was Martin Cullenan acting as an agent for Captain Trench?—No.

1265. Why did he not pay for the drink at the time when you got it?—I really do not know.

1266. Have you any suspicion about it?—Perhaps it was because he had not any cash in his pocket.

1267. From whose pocket is the money to pay for the drink ultimately to come?—I believe Cullenan's.

1268. Did

1266. Did I rightly understand that the priest said from the altar that same bailiff of Lord Clannorris's was making the tenants vote for Trench. Who was that man?—Pat Cullenan.

1268. Did he give any drink to the tenants to make them vote for Trench?—I did not see him.

1270. Were not you and he drinking together?—I am speaking of Cullenan the father.

1271. Did Cullenan, the son, give drink to the voters?—I am not aware.

1272. Did you hear that Cullenan gave drink? I did not hear anything about it.

1273. Who is your landlord?—Pat Cennins.

1274. Is he a brother of the priest?—No; he is a cousin of his.

1275. Is he a catholic?—Yes.

1276. And you are a catholic yourself?—Yes.

1277. And your drink has not been paid for. Did you get anything else in connection with the election?—I got half a sovereign when I got my subpoena, about a month ago.

1278. At the time that Father Walsh spoke about Trench being trenched, did you understand it as a joke—a play on the name of Trench?—I did not.

1279. Were there not a great many jokes during the election upon the name of Trench?—I do not know.

1280. Was there any laughing in the chapel that day?—I believe that there was when he said, that anyone who voted for Trench would be trenched.

1281. It is not at something cross that people laugh?—I do not know.

1282. You say that you got a half-sovereign upon your subpoena about a month ago. When did you inform Mr. Conenaca of the important evidence which you had?—I do not know. I do not think that I told it to anybody. I would have given five half-sovereigns to be left at home in the last week.

1283. You say that you led a very peaceable life before the election; were you ever in any row before you got this blow on the side of your head which knocked on your hat?—Yes.

1284. Were you ever in jail?—Never.

1285. Were you ever prosecuted for beating?—I was.

1286. Were you sentenced to two months' imprisonment?—No, I got out of them the day afterwards.

1287. How did you get out of them?—By force.

1288. Was not it by a scheme?—I asked another day.

1289. Did not you do Dr. Brown out of your imprisonment?—I went when he let me.

1290. You were not much injured during the election?—No, I was not.

1291. Why did you vote for Trench; you knew that your landlord was a cousin of the priest, and you are a catholic yourself, and you got no bribe, and no drink, and were badly treated; why did you vote for Trench?—I do not know.

1292. You are an intelligent fellow; you must have done it for some reason; what was your reason; consider?—I thought that he was the best man to vote for.

1293. Why?—Because his father was a good landlord, and all his family were good landlords.

1294. It was for the sake of any good man?—I did not care a damn who he was, the whole

family were good, and they never turned out any tenant.

1295. Who canvassed your vote?—Mr. Trench himself.

1296. Captain Trench himself?—Yes.

1297. When?—At the fair of Ballinacree, last October.

1298. What is the exact date?—The 4th of October, the Sheep Fair.

1299. Had you previously promised to vote for Captain Nolan?—No.

1300. Did you ever say at any time that you would vote for Captain Nolan?—I did.

1301. When did you say it; was it before or after the 4th of October?—Captain Nolan came to me and asked me for my vote.

1302. About what time was that; was it before or after the 4th of October?—I think it was on the 4th of October.

1303. On the same day?—Yes.

1304. What occurred between you and Captain Nolan?—I told Captain Nolan that I was in the habit of being employed as agent at a few elections in the last ten or fifteen years, and I told him that if he employed me I would have no objection to support him.

1305. Did you tell the same to Captain Trench?—No.

1306. Why not?—I do not know.

1307. Would you take service for Trench?—Yes. I would take a £5 note and would vote.

1308. You did vote for Trench?—Yes.

1309. On your oath you just now announced that you asked employment from Captain Nolan, and that you did not vote for Nolan, and you said that you would take a £5 note from either of them?—If they would employ me.

1310. On your oath did you receive a promise of money or anything else, to vote for Trench?—No, indeed I did not.

1311. Did you receive a hint of it?—The devil I didn't.

1312. Did anyone but Captain Trench himself canvass you?—No.

1313. Did any of the agents of Captain Trench speak to you about your vote?—Never.

1314. Do you expect anything for your vote?—There is the half sovereign which I got before, and anything while I am here in Galway.

1315. Did you promise Captain Trench first, or Captain Nolan first?—I did not make a *bona fide* promise to Captain Trench at all at first.

1316. Did you make a *bona fide* promise to Captain Nolan?—I did, on the conditions which I tell you.

1317. Which of the two did you speak to first?—I did not speak to either of them until they spoke to me.

1318. Did you answer them when they spoke to you?—I did.

1319. With which had you an interview first, Captain Trench, or Captain Nolan?—I think at the same time.

1320. Were they present together?—No.

1321. Which did you speak to first?—I think that I spoke to Captain Trench first.

1322. Tell us exactly what you said to Captain Trench. He asked you for your vote; what did you say?—I said that I would consider.

1323. You did not promise him then?—No.

1324. Did you consider it, in order to consider whether

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whether you would get anything from him?—I did not.

1325. You were considering it though, and you had promised Nolan; what made you vote for Trench?—Captain Nolan promised me to employ me; and he would not have anything to do with me on the day afterwards.

1326. Are you aware that you would have been guilty of an illegal act if you had voted, having been appointed agent?—I was not aware of that.

1327. Have you ever been on elections before?—Yes.

1328. And voted?—Yes.

1329. Would you take a 5*l*. note for your vote?—I would in that way.

1330. In what way?—In the way of selling it.

1331. Supposing that Captain Trench or his agent said, "Here is 5*l*.; you are a man to whom it is an object, will you not vote for me;" would you take it?—I would not.

1332. Would you take 50*l*?—I think that you would scarcely object to that yourself.

1333. Have you a son?—I have.

1334. Is he grown up?—He is.

1335. Was he in any employment at the election?—No.

1336. Were any of your sons in employment?—No.

1337. They were all neglected, were they?—No.

Re-examined by Mr. Murphy.

1338. Is this man Cullenan with whom you drank a neighbour of yours; do you know him well?—Yes.

1339. Did you often drink with him before?—Fifty times.

1340. Do you hope to do so again?—Yes.

1341. You have said that you would sue for any man, whatever his religion was?—I would.

1342. You would not mind it?—I should not.

[The Witness withdrew.]

MR. PATRICK MANGAN, sworn; Examined by Mr. Sergeant Armstrong.

Mr.
P. Mangan.

1343. HAVE you prepared the expenses of the last election?—As well as I could.

1344. Where do you reside?—In Ballyderrey Castle, in the county of Mayo.

1345. What is your profession or business?—A farmer.

1346. How much money was given into your hands with a view to paying the expenses of the election altogether?—About 1,400*l*.; 400*l*. was lodged to my credit on Monday, and Monday being a bank holiday I left Ballykeedy.

1347. We do not go into details at present?—There was 1,400*l*.

1348. Is that all that you got?—Yes.

1349. Have you paid the agents yet?—No.

1350. How many agents were there?—I cannot say.

1351. Have you a list of them?—I have.

1352. Show it to me; are they arranged in alphabetical order?—They are not.

1353. Show me what you call a list of agents?—(The Witness referred to a book.)

1354. I presume that that book is in your own handwriting?—Yes, except one sheet; I have put down the agents and the messengers without distinguishing them.

1355. Who is your clerk?—My clerk is my son.

1356. Mr. Mangan?—Yes.

1357. Who instructed you to prepare a list of agents; how did you get their names?—By the hills being furnished to me.

1358. Their accounts were furnished to you whose names appear in this book either as messengers or as agents?—Every one.

1359. Did you ever get a return from any person as to who were agents, independently of their furnishing accounts to you?—Under what circumstances?

1360. Under any circumstances; you tell me that this book contains the names of all such agents and messengers as have actually furnished accounts?—Everyone furnished to me.

1361. Independently of these, were you supplied with the names of other persons who you were informed were agents who have not furnished accounts?—None.

1362. Did you show this book to Captain Nolan, or any of his conducting friends?—I did to Mr. Sebastian Nolan.

1363. He was, I suppose, the special agent of his brother?—I cannot say that.

1364. Was he acting with him?—I cannot say that.

1365. Was he canvassing with him?—I cannot say that.

1366. Did you ever see him canvassing?—I did not.

1367. Did you ever see him talking to him?—I did not.

1368. Who gave you the money?—The money was lodged at the bank to my credit.

1369. By whom?—I presumed by Mr. Sebastian Nolan.

1370. Did you get any cheques?—I did.

1371. Were they signed by him?—They were signed by me.

1372. That would be paying out money?—Yes.

1373. Did you get any money by cheque?—I did.

1374. Who signed the cheques?—Sebastian Nolan.

1375. For anything that you know to the contrary there may be a great many more agents than those mentioned in this book?—As far as my knowledge serves me I do not think that there are.

1376. But you do not know?—I do not know.

1377. Did you show this book to Sebastian Nolan, or to the agents?—I showed it to Sebastian Nolan.

1378. Did you recognise them all as agents?—He told me to enter in that book every bill which I got, and to dispute any bill which was not legal.

1379. Did he tell you whether these were agents, or not?—He did not.

1380. Did you show this book to him since you made the entry?—I did.

1381. Did he point out the names of any man who was not an agent?—He did not.

1382. Were you never supplied with any list so as to inform yourself as to who were likely to furnish

Garnish accounts; a list of agents before and pending the election?—No.

1383. Did you attend at all in Galway during the election?—No.

1384. Where were you during the election?—In the evening before the election I went to Craughwell, and I paid 26*l.* between car and railway tickets, and then I came from Craughwell, on the day of polling, and was at my own residence at half-past four.

1385. Does the book contain an entry of all the accounts which have been furnished to you?—Every penny.

1386. Does it contain any account of payment for drink or entertainment?—No.

1387. Has any such been furnished?—None.

1388. Do you know a man in this town who has made a claim of 140*l.* for drink and entertainments, and did he make a demand on you in person?—No.

1389. Have you heard anything of it?—From nobody living.

1390. From no hotel keeper?—No.

1391. For entertainments?—No.

1392. You never heard of such a thing?—I never heard of such a thing.

1393. How many of these accounts have you paid?—My cheques will tell; the cheques are here.

1394. Have you paid the "Tram News" yet?—No.

1395. This little bill is only 1,069*l.* 5*s.* 2*d.*?—Yes.

1396. Have you read the speeches of Father Loftus, and Father Conway, and all the other orators?—Yes.

1397. Have you paid for them?—No; I will pay them 200*l.* I consider that 200*l.* is too much.

1398. Why will you pay them 200*l.*?—According to their claims.

1399. Is it not for reporting the speeches?—No.

1400. Do you know that there was a special reporter from the "Tram News," to report the meetings, and the names of the speakers, and the resolutions?—I do not.

1401. Were you ever told that by Sebastian Nolan?—Never.

1402. Have you a doubt of it?—I am almost sure that he was, but I really do not know.

1403. It is so extremely probable that you cannot doubt it?—I am almost sure that he was.

1404. Are you almost sure, or sure; are you cock-sure. Do you mean to tax down the "Tram News" bill to 200*l.* for publishing all these patriotic speeches?—I do.

1405. Have you examined the account?—I have.

1406. And you have taxed the account in reference to the speeches in the newspapers. Show me the account. (*The Witness searched among some papers.*)

Mr. McDonough.] My Lord, I apply for copies of the two letters; the one to Mr. Power, and the reply.

Mr. Justice Keogh.] Copies must be given.

Mr. Connaught.] Certainly, my Lord.

Mr. Justice Keogh.] Copies must be given of all documents.

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Mr. Murphy.] There is not the slightest hesitation, my Lord.

1407. Mr. Sergeant Armstrong (*to the Witness.*) Have you got the account?—I have been looking for it; but have not yet got it.

1408. Are there any others?—That contains the 11 names.

1409. £. 1,065?—That is all.

1410. I have taken the liberty of totting up the advertising column, and these figures I have taken the liberty of putting in pencil, and I find the advertising only comes to 3,230*l.*?—That is all.

1411. Now, we will see how much you have paid of that; I see you have paid some; whose tenants are you?—I am Captain Nolan's tenant.

1412. Had you ever acted as election expenses' agent before?—No, nor never will.

1413. It is a thankless job. I suppose you keep these accounts on a system of double entry; are you a great book-keeper?—No, I am a very bad book-keeper.

1414. A very bad scholar?—There is my scholarship.

1415. You did this with the help of your son?—Only once.

1416. I see that you have paid the "Weekly News," by cheques, in full, 28*l.* You did not tax anything off that?—I did.

1417. On one side is "Advertising claims and printing; the 'Weekly News,' D. B. Sullivan;" he is not the owner of the "Weekly News"?—I have given it to him.

1418. Why did you happen to pay him instead of the owner. Do you know that he was there making speeches?—No, I paid him for the paper.

1419. Did you ever read his speeches?—I often read his speeches.

1420. That he made at one of the large meetings; on your oath, did you?—On my oath, I do not know.

1421. Do you not know that he made a speech there?—I do not; I saw it in the paper, but I do not know.

1422. Do you know that Alexander M'Sullivan made a speech?—I believe he did.

1423. Did you hear him?—I heard him in Loughrea, if he was the man.

1424. Did you hear him say that they were on the eve of the most violent and tremendous election that ever agitated Ireland?—I did not.

1425. You have here "the 'Weekly News,' D. B. Sullivan, by cheques, 28*l.*"?—I have.

1426. On your oath, what did you pay D. B. Sullivan for; he is not the owner of the paper at all.

Mr. McDonough stated that he was the owner.

Witness.] I paid the man; all the moneys I paid are there, and all the bills I got are there.

1427. Mr. Sergeant Armstrong.] "The Irishman," 26*l.* 9*s.*, the "Flag," 26*l.* 9*s.* Do you ever read that paper?—Sometimes.

1428. You admire that paper?—Well, I do not know.

1429. 52*l.* 18*s.*, "cheque paid in full." Did you pay that?—What is there, I paid.

1430. I am reading your own writing. Then there is the "Mayo Examiner," 28*l.* 2*s.*; the "Western Star," 23*l.* 2*s.*, all paid in full; "Galway

Mr.
P. Meagher.
4 April
1870.

Mr.
P. Morgan.
4 April
1872.

"Galway Vindicator," 28 l. 10 s., by cheque.
What did the "Galway Vindicator" do for you?
—They were writing articles, I suppose; I cannot account for what they did.

1431. "The 'National Weekly News,' 28 l. 10 s., paid in cheques in full, 28 l." What did they do for you?—The same thing, I suppose.

1432. "The 'Dublin Evening Post,' 159 l. 10 s. cheque, 100 l.," what did they do for anybody; that is only on account; are they not looking for their balance?—They did not look to me.

1433. What did you pay the 100 l. for?—For writing.

1434. For showing about the election?—I cannot say that either.

1435. Or since the election?—Well, setting forth the justice of the cause, I suppose.

1436. I would like to get the account of the "Dublin Evening Post." I find that it was on the 23rd of March that they got 100 l., and I should like to know at what date it was paid, and what you paid it for; you paid the "Roscommon Journal" 10 l., knocking off 10 s.—I did; I knocked some of the pounds off too.

1437. Where did you knock off the "Roscommon Journal"?—Of the remainder, I meant.

1438. "The 'Galway Express' 23 l. 5 s., cheque in full, 20 l.," you taxed 3 l. 5 s. there; why are you going to tax down the "Tuan News," that reported all your speeches?—I am given to understand that he does not deserve so much.

1439. But there is no doubt that you are to pay them; are you not instructed to pay the "Tuan News" for what they really did?—I am not instructed to pay the "Tuan News" anything until they go to law and make them take what is fair; we are willing to pay them what is fair.

1440. Do you not think that what is fair would be a reasonable charge for what they have published and printed for you?—Yes.

1441. Now I will read you their bill; "1871, June 30, one leading article on election, 10 l.; July 21, one ditto, 10 l.; 155 copies of 'News' and postage, 1 l. 12 s. 10 d.; July 28, insertion of letter from the Archbishop to Captain Trench, 10 l." Do you know what that is?—I do.

1442. "Thirty copies of 'Tuan News,' 5 s.; August 1st, printed 500 circulars (A.B.'s letter)" (that is the Archbishop's) "3 l. 15 s.; August 4th, insertion of letter from Father Lavelle, 10 l.; August 7th, 200 copies of 'Tuan News,' 1 l. 13 s. 4 d.; August 8th, 1,000 circulars (Father Lavelle's letter), 7 l. 10 s.; August 11th, one leader on election, 10 l.; 64 l. 15 s. 2 d." That is brought forward, "August 11th, leader from 'Nation,' 10 l.; August 12th, 100 copies of 'News,' 16 s. 8 d.; 500 circulars of the Archbishop's letter, 3 l. 15 s.; August 18th, leader on election, 10 l.; August 19th, 100 copies of 'News,' 16 s. 8 d.; August 25th, leader on election, 10 l.; August 26th, 100 copies of 'News,' 16 s. 8 d.; September 1st, leader on Galway election, 10 l.; leader from 'Mayo Examiner,' (170 lines at 2 s.), 17 l.; September 2nd, 150 copies of 'News,' 1 l. 5 s.; September 8th, 1,000 circulars (Archbishop's letter, at 15 s. per 100), 7 l. 10 s.; September 12th, 3,000 ditto, ditto, ditto, 22 l. 10 s.; September 15th, leader on election, 10 l.; Father Lavelle's reply to 'Galwegian,' at 2 s. per line, 19 l. 12 s.; 500 copies of 'News,' 4 l. 5 s. 4 d.; postage, 11 s. 5 1/2 d.; September 22nd, leader on election, 10 l.; 396 copies of 'News,' 3 l. 6 s.; postage, 15 s. 9 d.; September 29th, leader on election, 10 l.; insertion of Clifton Resolutions,

10 l.; leaders from 'Nation' and 'Freeman,' 15 l. 6 s.; 419 copies of 'News,' 3 l. 9 s. 3 1/2 d.; postage, 17 s. 7 1/2 d.; October 2nd, 3,000 copies of 'College Resolutions,' 22 l. 10 s.; October 13th, insertion of 'the D'Arcy correspondence' (298 at 2 s.), 29 l. 16 s.; October 14th, 200 copies of 'News,' 1 l. 16 s. 8 d.; postage, 8 s. 6 d.; October 20th, leaders from 'Nation' and 'Freeman,' 14 l. 2 s.; leader from 'Wick News' on Portcarron Award, 5 l.; October 25th, leader on election, 10 l.; John Mitchell on election, 5 l.; November 4th, a leader on election, 10 l.; 300 copies of 'News,' 2 l. 10 s.; postage, 12 s. 9 d.; November 10th, leader on election, 10 l.; November 11th, 300 copies of 'News,' 2 l. 10 s.; postage, 12 s. 9 d.; November 24th, leader on election, 10 l.; leader from 'Mayo Examiner,' 120 lines, 12 l.; 50 copies of 'News,' 8 s. 4 d.; December 5th, 500 circulars of College Resolutions and Father Dooley's letter, 3 l. 12 s.; December 8th, 500 large posters (Athenry meeting at 1 l.), 5 l.; December 9th, paragraph from 'Nation,' 2 l. 14 s.; insertion of 'Athenry resolutions,' 10 l." On the date of the 9th of December, that is three days after they were passed. There are a petty items, although considerable in themselves. "Leader on Galway election, 10 l.; insertion of report of Loughrea meeting, 404 lines, 40 l. 8 s.; Athenry resolutions inserted, 5 l.; 500 copies of 'News,' 4 l. 3 s. 4 d.; postage, 8 s. 9 d.; December 16th, 500 large posters (Athenry meeting), 5 l.; 1,000 circulars (Athenry resolutions), 7 l. 10 s.; December 17th, 20 large posters (Athenry meeting), 2 l.; December 22nd, 200 large posters (Dunmore meeting), 2 l.; leader on election, 10 l.; leader from 'Nation' (204 lines), 20 l. 8 s.; 200 copies of 'News,' 1 l. 10 s. 4 d.; leader from the 'Freeman,' 10 l.; December 28th, 350 posters (Tuan meeting), 3 l. 10 s.; postage, 4 s.; December 29th, 300 posters (Tuan meeting), 3 l.; leader on Galway election, 10 l.; leaders from 'Nation,' 'Corr Examiner,' and 'Leinster Independent,' 32 l.; December 30th, 500 copies of 'News,' 5 l.; 20 large posters (Headford meeting), 2 l.; 1872, January 3rd, 500 large posters, Mr. Bollen, bridge meeting, 5 l.; January 4th, 600 ditto's, 6 l.; January 5th, leader on election, 10 l.; ditto, 10 l.; Lavelle, Gray and Sullivan, on Port Carron, 206 lines, 20 l. 12 s." (that is very patriotic); "January 6th, 700 copies of 'News,' 6 l. 16 s. 8 d.; postage, 13 s. 14 d.; January 9th, 800 large posters, 'Who are the Trenches?' 8 l.; January 10th, 300 circulars to priests, 2 l. 5 s.; 200 large posters, 'Who are the Trenches?' 2 l.; January 11th, 600 large posters, election address, 6 l.; January 12th, leader on election, 10 l.; Captain Nolan's letter to 'Times' inserted, 3 l.; 'The plans of the enemy,' 6 l. 16 s.; 'P. P.'s letter to Father Lavelle, 5 l.; election address, 9 l. 10 l.; leader on election, 10 l.; 500 circulars of Captain Trench's letter, 3 l. 15 s.; 1,150 copies of 'News,' 9 l. 12 s.; two columns of advertisements omitted to make space for report of Loughrea meeting, 10 l.; January 15th, 500 circulars (Father O'Brien's speech), 3 l. 15 s.; 1,000 large posters, 'Cromwellian,' 10 l.; January 16th, 150 circulars (memorandum of agreement), 1 l. 2 s. 6 d.; 300 large posters (Cromwellian tenantry), 3 l.; January 17th, 200 circulars, 1 l. 10 s.; January 18th, 300 ditto's (memorandum of agreement), 2 l. 5 s.; 700 large posters, 'Trenches and their Lies,' 7 l.; January 19th, leader on election, 10 l.; ditto, 10 l.; insertion of

Lord

Lord Clancarty's speech, 29 l. 6 s.; *diem* of election address, 9 l. 10 s.; John Martin's letter inserted, and letter on Trench tenantry, 10 l. 12 s.; 800 copies of 'News,' 6 l. 13 s. 4 d.; January 20th, 200 extra posters (Mallow meeting), 2 l.; 100 circulars (men of agreement), 15 s.; January 22nd, 200 extra posters (New Bridge meeting), 2 l.; January 23rd, 500 extra posters ('The Trenches and their Lives,' &c.), 5 l.; January 23rd, 1,000 circulars (law life estate letter), 7 l. 10 s.; January 26th, 200 extra posters (New Bridge meeting), 2 l.; leader on election, 10 l.; insertion of Balladeren resolutions, 10 l.; January 27th, 600 copies of 'News,' 5 l.; postage, 15 s. 3½ d.; 100 posters, 'Tally-rooms,' 1 l.; 200 sheets of lists of voters, 2 l.; January 31st, 1,000 posters, 'The Trenches and their Evictions,' 10 l.; February 1st, 2,000 circulars, 'Galway Election,' 15 l.; February 2nd, 2,000 circulars (Father Green's letter), 15 l.; 400 large posters, Nolan's cars, 4 l.; 850 copies of 'News,' 7 l. 1 s. 8 d.; postage, 15 s. 4 d.; a leader on election, 10 l.; Balladeren resolutions, 5 l.; brought forward, 970 l. 19 s. 11 d.; election address, 9 l. 10 s.; February 4th, 1,942 copies of 'News,' 16 l. 3 s. 8 d.; postage, 3 l. 6 s. 8 d.; election address in special edition, 9 l. 10 s.; special edition of 'News,' 50 l.; February 5th, 500 tickets for voters, 3 l. 15 s.; 100 large posters for tally-rooms, 1 l.; February 10th, 24 copies of 'News,' 4 s.; March 1st, notices, 'Galway Election,' 1 l. 1 s.—1,065 l. 9 s. 8 d.; out of which you are to pay for what was really done a fair price. To what extent, in round numbers, have you paid the *carman*?—For common drays, some 15 s., and some 12 s.

1443. But give me the bulk sum, if you please?—I paid 1 l. 5 s. for side-cars, and 10 s. 6 d. and 15 s. 6 d. for cabs.

1444. Will you promise to inquire in Galway for any payment for eating while you are here?—I will not.

1445. You will not undertake that trouble for me?—I will not, certainly. I was not troubled myself with it; I was not asked about it.

1446. Do you know Pat Barrett, of Athenry, at all?—The old man, the father of Michael Barrett.

1447. Or Peter Barrett?—Yes, I know him; I saw him here.

1448. Did you see him at the election?—I did not.

1449. Do you know him?—I was not at the election.

1450. Do you know him?—I know him to know him.

1451. That is the way you know a man?—No, the way to know a man is to have a dealing with him. I presume.

1452. Did you ever speak to him in your life?—I think so.

1453. About the election?—No.

1454. During the election?—No.

1455. After the election?—To-day.

1456. What was he asking you to-day?—He asked me how the petition was.

1457. Did he ask you anything else?—Nothing.

1458. Was Mr. Sebastian Nolan with you, at the same time?—He was not.

1459. Were you by yourself?—I was by myself.

1460. You have not paid him anything yet?—No, he never ask me for anything, not a penny.

1461. I will not trouble you further, at the present moment. Did you see Peter or Pat Barrett, yesterday?—I did not.

Cross-examined by Mr. Meadowsack.

1462. Have you had any connection with him whatever of any kind?—Neither directly or indirectly in my life.

1463. Do you remember whether Mr. Higgins' the conducting agent's account, is amongst those?—No, not amongst those, I have a separate sheet for him.

1464. But he had a separate account?—Yes.

[The Witness withdrawn.]

Mr. DAVID ROUTLEDGE, sworn: Examined by Mr. Sergeant Armstrong.

1465. You are a resident in this county, I understand?—Yes.

1466. In what part?—Within about three miles of Thur.

1467. Do you know the Reverend Mr. Loftus, of Dunmore?—I do.

1468. Do you recollect travelling by railway, and being at the Athenry Railway station previous to the election?—Yes, the evening before the nomination.

1469. That would be Friday, the 2nd February?—I am not sure of the date.

1470. Well, I can tell you. Were there many people at the platform when you started?—Yes, there was rather a crowd, and we had about two hours to wait for the train.

1471. Did you see Father Loftus there?—Yes, I was speaking to him.

1472. Was he in one of the carriages?—No, he was on the platform.

1473. Did you see a man of the name of Pat Barrett there?—I did; I do not know Pat Barrett to speak to, but I was told that he was Pat Barrett.

1474. Did you see this man do anything; did

you hear him say anything, say yes or no?—Yes, I heard him make speeches.

1475. Did you hear the Reverend Mr. Loftus make use of any expression after the act, or gesture, or language, of Pat Barrett?—After Barrett made a speech, he did.

1476. Will you write on a bit of paper what was said or done?—I will.

1477. Did you hear the Reverend Mr. Loftus speak in terms of approbation, or disapprobation, of what had been said or done by Barrett?—Yes, after he had made the speech, the Reverend Mr. Loftus said, "Well done, Pat Barrett."

1478. Did he say that in a loud way so as to be heard by the crowd?—Yes.

1479. If there is any portion of the speech which he made which it would not be indelicate to repeat, repeat it; so that which your own judgment would tell you would be indelicate to pronounce in this process, you must write that?—I would not make use of the words he made use of.

1480. Will you put down the most pointed words which you would forbear from using; what he said and what he did just before the

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P. Meadowsack,
4 April
1878.

Mr. D.
Routledge.

Mr. D.
Ravledge.
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approbation of the Rev. Father Loftus?—(After writing on a paper.) As far as I remember, those were not the exact words, but they are as near as can be. (Handing a paper to the learned Serjeant.)

1481. Did Father Loftus hear that?—Well, I cannot say; he was standing beside me, and I heard it.

1482. Was it just after that that he used the words that you mentioned, "Quite right, Barrett;" or words to that effect?—He said, "Well done, Pat Barrett; down with the landlords." He cried, "Down with the landlords," two or three times.

A paper was handed to Mr. MacDonagh, and afterwards to his Lordship. It was as follows:—

"Pat Barrett pointed to the privy at the station, and said, 'I would go in there and s—t, and take it in my hand, and ram it down the throat of any fellow or man who would vote for a Trench or the b— Trenchites.'"

1483. Mr. Serjeant Armstrong (to the Witness.) Did Barrett use this language loud enough to be heard by the surrounding people?—He did; he has a very loud voice, and he spoke it out loud.

1484. Do you recollect whether Mr. Thomas Kirwan was in close proximity to you at the time?—We were together. You Kirwan, and a Mr. Kirwan, who is dead, and Charles O'Rourke, I think; we were standing very near to each other.

1485. You, I believe, were not in the chapel?—No.

Cross-examined by Mr. MacDonagh.

1486. How long was Pat Barrett speaking altogether?—He was there, I dare say, certainly an hour on the platform, off and on, speaking; he was not speaking the whole time.

1487. I suppose he made a great many speeches during the hour, did he?—Well, he did.

1488. At the time when he used this observation, how long had he been speaking?—Not very long.

1489. How long was he speaking after he used it?—Until the train came up.

1490. He continued to speak?—Yes.

1491. Do I understand you to say that you believe that the observation of Father Loftus, "Well done, Pat Barrett," was addressed to the use of those words which you wrote down?—I do not. I think it was in connection with the speeches altogether.

1492. Do you know Father Loftus?—I do.

1493. You were there at that time?—Yes, speaking to him.

1494. Did you carry away upon your mind the impression that he endorsed that observation?—I was so shocked at Father Loftus saying what he did after the observation of Barrett that it made an impression upon my mind at the time, and I walked away from Father Loftus.

1495. Did you understand that Father Loftus said anything at all to that observation?—I could not tell that. I do not know what was in his mind.

1496. Do you believe that he did?—I think he applauded Barrett for all that he said there.

1497. Might he not have been applauding something without applauding that?—I do not say that he did applaud that particularly.

1498. You say that Barrett had been talking for a considerable time, do you not; but that Father Loftus was applauding the general tenor of the speeches which he was making for Captain Nolan on that occasion?—I think so.

1499. With regard to that he said, "Well done, Pat Barrett"?—Yes.

Re-examined by Mr. Serjeant Armstrong.

1500. Did Father Loftus express any disapprobation openly of anything Barrett had said, or censure him for anything that he said?—No, not a word; he said, "Down with the landlords; well done Pat Barrett."

1501. Mr. Dennis Kirwan was on the platform at the time?—He was standing within a foot of me.

1502. Would you say that Barrett's speech was addressed particularly to Mr. Kirwan?—I do not think it was particularly.

1503. But to the gentlemen generally?—Yes.

1504. Were you there?—I was.

1505. I consider you a gentleman?—I hope I am one.

1506. Were the Messrs. Kirwan gentlemen?—Yes, certainly. It was said to everyone around.

1507. Mr. MacDonagh.] There were a great many people there who were not gentlemen?—A great many.

1508. Do you think it was for you and the Messrs. Kirwan that he made the speech, or for the crowd?—There were the greatest set of blackguards I ever saw in my life there.

1509. Was it you or the crowd he was addressing?—I think both.

1510. You do not distinguish between them?

1511. Mr. Justice Keogh.] You say there were a great number on the platform; so when did you understand the words, "Down with the landlords" to be addressed?—I think that was meant for the crowd; for the general assemblage.

1512. When he said, "Down with the landlords," what did you understand by that; down with the common people or down with the gentry?—Down with the landlords; the landlords are landlords, I suppose.

1513. Were there gentlemen in the position of landlords on the platform?—Yes, there were.

1514. Were they large landed proprietors?—Yes; Dennis Kirwan, of Castlerea, Charles O'Rourke, and some others.

1515. Who is Pat Barrett?—He is a country frieze-coated man; a farmer, I believe.

1516. Is he a farmer or a labourer?—I do not know what he is now; I could not tell. I have seen him driving a cart with telegraph poles on it, and he was pointed out to me as being Pat Barrett, the father of young Barrett who was tried for firing at Captain Lambert.

1517. Was Captain Lambert a landlord?—He was.

[The Witness withdrew.]

Mr. ROBERT BODKIN, sworn; Examined by Mr. Murphy.

1518. You are a Catholic gentleman, residing in this county?—I am.

1519. What place of worship did you attend in January last?—Coroan.

1520. Had you been solicited for your interest by both candidates?—Yes; by three candidates.

1521. Had you promised your support to any one of them?—No.

1522. Had you been solicited by Captain Nolan in person or by letter?—Formally and by letter.

1523. Do you recollect being at your parish church on the 14th January?—I do.

1524. Who was the reverend gentleman officiating on that day?—The Rev. Mr. Joyce, the curate of the parish.

1525. Were any members of your family with you at service at the time you were there?—Yes; Mrs. Bodkin was with me.

1526. Was any reference made by the reverend gentleman to the election as any part of the service, or subsequently to the service?—Yes.

1527. When?—After the service on that day he took off his vestments, and after the service was all over he addressed his flock on the subject of the election.

1528. Will you tell the Court, as nearly as you can recollect, what it was that he said; the substance of it, as well as you can recollect it?—The substance of it was in favour of Captain Nolan; urging the people to vote for Captain Nolan, and speaking in rather deprecatory language of Captain Trench.

1529. Can you recollect any of the language which he used in reference to Captain Trench?—Not on that occasion; I do not think I can, except in general terms.

1530. Was there any reference made to yourself on that occasion?—No; not that I could understand; I think not.

1531. Did anything on that occasion occur to you when leaving the church?—Yes.

1532. May I ask you whether the reverend gentleman spoke much upon the subject; was he speaking upon it for some time?—Not very long; and he expressed his regret at being obliged to speak. He said it was the first time he had ever spoken on a political subject, and he hoped it would be his last.

1533. But did he use the term "that he was obliged to speak"?—Yes.

1534. Did he mention in what way he was obliged to speak?—No, I think not. It was in an apologetic manner or tone that he began by saying that he was obliged to speak.

1535. Did he make any further reference, such as to indicate or point out what obliged him to speak?—No.

1536. What was it that occurred to you on leaving the church on that day?—After I left the church and got outside the gate of the church upon that occasion, when my carriage was passing the people a considerable number of them commenced shouting; it was not hooting or hissing, and at first I really thought it was cheering a man that was supposed to be in the interest of Captain Nolan, so unaccustomed was I to anything of the kind, but I believe it was intended as a direct insult to me.

1537. Was anything further than that done to the carriage?—No; I am bound to say that a

Mr. Roche, a very active person there, tried to stop the shouting, and perhaps prevented matters going any further.

1538. Did anything occur to you personally, or come under your own observation, with respect to the approaching contest during the week following that; was any reference or application made to yourself by any gentleman?—For my votes?

1539. Yes?—Yes; I was frequently asked for my votes.

1540. During the week following this Sunday that you have mentioned?—I cannot particularise that.

1541. Were you at church on the following Sunday?—Yes.

1542. Who was the officiating clergyman on the following Sunday?—The same clergyman; the Rev. Mr. Joyce, the curate.

1543. Did he again speak in reference to the election?—He did.

1544. Was it at the same time and under the same circumstances?—Precisely; after the service, and without his vestments.

1545. Do you recollect what he said upon that occasion?—Well, it was pretty much in the same strain; but I cannot recollect whether it was that Sunday or the succeeding Sunday that he spoke a great deal about the controversy about the evictions alleged to have taken place at Garbherry, upon the authority of a Rev. Mr. Green, I think.

1546. Was any reference made to yourself on that Sunday?—Not that I am aware of; I think not.

1547. Was the election referred to on the following Sunday again?—Yes.

1548. By the same gentleman?—By the same gentleman.

1549. On whatever day the reference was made to the evictions at Garbherry, will you tell the Court what you recollect to have been said in reference to it?—I think it began with a reference to a speech made by Captain Nolan, in which it was said that he had entirely refuted the contradiction that had been made on the part of Captain Trench; that the Rev. Mr. Green was quite prepared to substantiate all he said; and the Rev. Mr. Joyce assumed that he had successfully contradicted Captain Trench.

1550. You mean Captain Trench's defence as to Captain Nolan's statement?—Precisely.

1551. On any Sunday, was any reference made to yourself?—No; I do not think there was by the gentleman.

1552. Was there anything done by the people?—Yes; the succeeding Sunday it was still more remarkable, because my carriage was not outside the gate; it was within the chapel-yard when the shouting and the insults commenced on that day.

1553. What was done on that day?—That sort of shouting intending to insult; or I took it as such.

1554. How was your carriage prevented from leaving the chapel-yard?—I do not say that it was prevented; I said that the people came on each side of it, and shouted in this way.

1555. Was your lady at church with you on that Sunday also?—Yes.

1556. Before that was done, when the reverend gentleman

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R. Bodkin.
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Mr.
R. Baskin.
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gentleman was speaking with reference to the election, was he saying anything as to how people ought to vote, and how Catholics particularly should vote?—He did; he said that he expected that all the people would vote for Captain Nolan; that it was a matter of religion, in which religion was concerned, and that he expected that the Catholics would all vote; that he would have cars ready to take them to the polling places.

1557. When he was saying that it was a matter of religion, did he say anything in reference to any consequences in case they did not vote?—No; he did not indeed.

1558. Was he the only reverend gentleman whom you heard referring to the election, prior to the date of it?—He was the only one I heard.

1559. You heard him, I understand, refer to it on three occasions?—I did; I think on four or five occasions; on every Sunday from the 14th until the election, the sermon was upon elections.

1560. Each Sunday from the 14th?—Each Sunday from the 14th.

1561. Then, I suppose, I may understand by that, that it was on each occasion from the altar that he spoke?—From the altar; from the foot of the altar.

1562. Is that the usual place from which the sermon or discourse is delivered?—No; generally he addresses the people on the altar, with his back immediately to the altar.

1563. Were you required with those shouts on more occasions than the two which you have mentioned?—Along the road; I could not ride out, nor anybody pass, in fact, without our being, I will not say, assailed, but we were obliged to hear the shouting, "Hey, for Nolan!" in every direction. Whether it was intended as an exuberance of feeling, I do not know.

1564. I suppose, in the neighbourhood, you had never received anything like insult previous to this?—Nothing of the kind; we had always received the very reverse.

1565. Did the quietude of the place, or of your neighbourhood, appear to you to be much disturbed at the time?—I can only describe that I think the people were saddened, the excitement was so great, because I saw it in other parts of the country in every town I went into.

1566. Do you yourself know how your tenants voted?—Generally speaking, I do; there is one I do not; I have not very many; I think about 17 or 18.

1567. Had you made any intimation, or had any conversation with them as to how they should vote, or might vote?—I do not know, but I told you that I had written to Captain Nolan, in reply to his application to me for my support, to say that unfortunately I, not approving of certain things, could not give him my support; but in deference to his being my very near neighbour, and his father being very intimate with me (I do not know that I put that in the letter, but I was influenced by his father being a very particular friend of mine), I thought the best thing I could do for him would be to abstain from voting, which I did, and preserved a strict neutrality.

1568. Did you intimate your intention to your tenants?—Yes.

1569. When you intimated that intention to your tenants, did they tell you anything as to

their intentions, how they would vote?—I had not personal communication with them all.

1570. With those with whom you had personal communication?—They at first told me that they would all do with pleasure what I asked them. Then a certain number of them came to me before the election, and told me they were under very difficult circumstances. I asked them how, as I had not asked them to vote in any way; I had merely asked them to stay at home.

1571. What was their reply to that?—I think the seven who came to me on the occasion that I allude to, lived within a mile of the town of Tuam, and they told me that anxious as they would be to oblige me in every possible way, their lives would be in danger, and their property also, if they were not to vote for Captain Nolan.

1572. Did you say anything to them then?—I did.

1573. What did you say?—I told them that if they had any considerations feeling regarding the exercise of their vote, I would be incapable of interfering with it; but that if it were to oblige any person that they were to give it, I thought that I had the first claim upon it. They quite agreed with me, and said they did not want to vote for Captain Nolan at all, but that they could not go into the town of Tuam from the mob and the people that were about there. They added, that the space intervening between the town and the village in which they lived, was inhabited chiefly by tinkers, who, they said, were the very worst characters; and one man, to illustrate his apprehensions, told me that a bar of iron was placed over his head a few nights before, and that it would have been put upon him, pressed upon him, if he did not say, "Hey, for Nolan!" I will not undertake to say that he said in addition, "Vote for Nolan;" I am not quite accurate as to that; I would rather not swear to it.

1574. How long previous to the election was it that you had this interview with the seven men which you have mentioned?—Before the election.

1575. About how many days was it?—I suppose it was about a week or 10 days before the election; it might be more; it might be a fortnight.

1576. Did you say anything more to them; had you any further interview with them in reference to the matter?—No.

1577. Did you say anything when they told you as to the terror they were in?—No; all I said was, "If you can with safety oblige me, I should be very much obliged, and glad that you should do so;" but of course I said that I would not wish that any should be hurt or injured on my account.

1578. You knew those seven men, I suppose, tolerably well?—Very well.

1579. Are they respectable tenants?—Very.

1580. They and their families have been a long time upon your property?—Yes.

1581. Do you know how they voted afterwards?—I believe they every one of them, but one who was ill, voted for Captain Nolan.

1582. I believe that you had been asked by the solicitor here, but that you declined to give any evidence until you came upon the table. I knew very little of your examination?—Nothing could be more disagreeable to me than to come and give this evidence. I have known Captain Nolan from his childhood.

Cross-

Cross-examined by Mr. Macdavey.

1583. I am very happy to say that it appears that no personal insult was offered to you further than what was described?—No.

1584. No person presumed to attempt to assault you?—No.

1585. And what you do complain of, is the noise which they exhibited on the occasion at the chapel?—I did not expect it in my parish.

1586. Of course it would be disagreeable. Did you in the month of July resolve not to take any part in this election?—Yes.

1587. Were you at the Loughrea meeting at which Lord Clanricarde was?—No.

1588. Had Captain Nolan's father the pleasure of your familiar friendship?—I had the pleasure and the advantage of his intimate acquaintance.

1589. He was I believe a very estimable gentleman?—He could not be more so.

1590. I suppose you knew Captain Nolan himself from early childhood?—Yes, very well.

1591. And in consequence of something that fell from my learned friend, I may ask you, do you not know him to be a very distinguished officer?—I am not an authority on those subjects, but I always heard that he was.

1592. Has he the honour of your personal acquaintance now?—Oh, yes; but if you ask me, I do not think he acted kindly by me. If you ask me I will tell you why.

1593. I do not wish to ask you; I should be very sorry to occasion any ill feeling; that is not my habit?—When was it that you asked your tenants to vote for Captain Trench?—I never did.

1594. I beg your pardon; I misunderstood you. Then what you did ask them was not to vote at all?—Not to vote at all.

1595. When was it that you first asked them that?—From the moment that I ever spoke to them on the subject; the moment the entrance began. Any of them that I did speak to; I have some of them living a long way from me, and I have never spoken to them at all upon the subject.

1596. But with about how many of them did you personally communicate?—Not with more than five or six personally.

1597. And you can give us the names of those with whom you had those conversations?—Yes, I think I can, some of them. Stephen Murphy was one.

1598. Who were the men who stated they were apprehensive?—John Lamo. You must not understand me as saying that every one of the seven spoke to me of their apprehension, but they had a spokesman, and they all concurred in it.

1599. Were they all present at the time?—Yes.

1600. Then enumerate them if you please?—Pat Raynan, a man of the name of Rabbit, Lenahan, Mannion.

1601. Has it occurred to you, in your experience, to know that tenants who wish to vote in a particular way, and yet are asked to vote differently, or to abstain from voting by the landlords, frequently pretend to be in terror, in order to be excused by their landlords?—I cannot give you much opinion upon that subject.

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1602. Has it never occurred to you in practice?—No, indeed it would not.

1603. Was that the letter which you wrote to Captain Nolan (*handing a letter to the Witness*)?—(*After looking at the letter.*) It was.

1604. That is your handwriting, of course?—Yes, that is pretty much what I told you.

1605. I will read it for you:—"July 24th, 1871.—My dear John,—It would have given me sincere pleasure to render you any service, but circumstances have occurred which make it impossible for me to give you any political support. The most I can do in deference to my personal feelings towards you, is to abstain from voting or taking any prominent part against you. I trust that differences of opinion on political subjects will never interfere with our private friendships."—A very handsome letter. How often did you speak to the tenants to request them to remain at home?—I could not tell you exactly; because, curiously enough, on the largest estate I have one solitary voter, and I had several conversations with him, and he stayed at home and did not vote.

1606. You requested him to do so?—I requested him to do so.

1607. Frequently?—Yes, and I told him in the presence of a witness if he had any conscientious feeling, or wish to exercise his vote, I would be incapable of interfering with him.

1608. Did you say to Captain Nolan that if he were to go with Lord Clanricarde you would vote for him with pleasure?—Never.

1609. Or anything to that effect?—Never.

1610. Not if he went to Lord Clanricarde?—No; I shall explain it.

1611. What did you say?—I said what, if Captain Nolan had acted upon, I think he would have been the Member for the county; that is with reference to an election previous to this. Captain Nolan did me the honour of saying to me that every one was aware that there would be a vacancy in the county. I told him that I knew of my own knowledge, that one or two gentlemen had been asked to come forward, and that they had not tried; and I said, "Now, if you are looking for it, I would advise you to go and see Lord Clanricarde, Sir Thomas Burke (Mr. Nugent as he was then), Lord Westmeath, and all the gentlemen about there. You know the people about here, and very likely they would be glad to give you support, for they are looking for some persons." This was before Mr. Mitchell Henry came into the field. Mr. Nolan said he did not know these gentlemen, and he could not do anything until he had an opportunity of consulting the Archbishop of Tuam; that he could not take any step in the way of a canvass, or do anything until he had got the Archbishop's support, as I understood.

1612. That was in answer to your suggestion, that he should go to Lord Clanricarde?—Yes, that was in answer to my suggestion.

Re-examined by Mr. Murphy.

1613. With regard to tenants pretending or feigning terror, when asked by the landlords to vote in any particular way, have you any reason whatever to suspect that your seven tenants were pretending terror to you at the time they told you they were in terror?—No, I have no reason to think they were. On the contrary, I now recollect that I told them, "We shall not be the worse

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R. Bodkin.
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Mr.
R. Baskin.
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worse friends; you stay at home, and if you are obliged, I am sure you will do nothing not conscientiously;" but the last word I said to them was, "If you will comply with my request you will stay at home."

1614. Did you believe the statements which they made to you as to their apprehensions of the dangers that threatened them, to be truly made by them?—Upon my word, I did; I think that that man Rabbit had rather frightened me, and prevented me from pressing them too much, when he told me about the bar of iron.

1615. The letter that you wrote to Captain Nolan has been read, and you speak about the way in which you acted towards him; you said, you considered you were rather badly treated by him; was that in reference to, and in conse-

quence of the no part you took in the election? —The no part; I had not the advantage of hearing Mr. Serjeant Armstrong read (as I believe the Court had) a portion of the Reverend Mr. Conway's speech which alluded to me. I do not pretend to say, or to affect that anything which that gentleman could say could even annoy me, for I must have great respect for any one who could annoy me; but I did feel, and do feel sore, that so near a neighbour and friend of mine as Captain Nolan should stand beside him, when he presumed to speak of any gentleman in the way he spoke of me.

The Witness withdrew.

[Adjourned to To-morrow,
at Eleven o'clock.

Fifth Day.—Friday, 5th April 1872.

Sir THOMAS BURKE, Bart., sworn; Examined by Mr. Serjeant Armstrong.

1616. You are a Landed Proprietor in the county of Galway?—I am.

1617. Your seat is Marble Hill?—It is.

1618. I believe you represented Galway in Parliament for many years?—For many years; nearly 18.

1619. You were, or desired to be, a supporter of Captain Trench, I understand, at the last election?—I was.

1620. Do you recollect anything in the "Tuam News," or in any other newspaper, which purported to be a report of a meeting held at Gort on the subject of the election?—I read a portion of it, but not in the "Tuam News," I think.

1621. Did you read any part of Father Lavelle's speech?—I did; I read an extract from it.

1622. This meeting appears to have been held on New Year's Day in the present year; are you personally acquainted with Father Lavelle?—No.

1623. You are aware that he is one of the priests of this county?—I am not sure whether it is in this county.

1624. Partly in Mayo, and partly in Galway?—I am not sure.

1625. Mr. Justice Keogh.] It is I think in Galway; it is on the borders of Galway at any rate?—It is on the borders.

Mr. Serjeant Armstrong.] This is Father Lavelle, he "was received with three cheers. The eloquent clergyman addressed the meeting as men of Galway, and men and women, electors and non-electors of Gort." It appears from the expenses account that the publication of this speech is paid for, or is to be paid for by Mr. Mangin.

Mr. Justice Keogh.] Do you mean the paper itself, or that the publication is paid for as a report?

Mr. Serjeant Armstrong.] Yes, my Lord. Mr. McDermott.] It is not paid for; it has been repudiated.

Mr. Justice Keogh.] It is in the account.

Mr. Serjeant Armstrong.] The man makes a claim for it.

Mr. Justice Keogh.] Is that particular one included in the account?

Mr. Serjeant Armstrong.] Yes, my Lord.

Mr. Justice Keogh.] *Ex nomine?*

Mr. Serjeant Armstrong.] Yes, my Lord.

Mr. McDermott.] And everything else about the election, the nomination, and all.

Mr. Molesworth.] It has been repudiated, my Lord.

Mr. Justice Keogh.] That is a matter of observation.

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Mr. Molesworth.] I am informed that it is not charged for in the account.

Mr. Justice Keogh.] That is what I want to know.

Mr. Serjeant Armstrong.] While my learned friend Mr. Murphy is looking at it, I will go on with the examination.

Mr. Justice Keogh.] In the Dublin case, I was favoured with the accounts and the books, and I shall require the same in this case, before the case closes, for my own observation.

Mr. Molesworth.] It is assumed *de bene esse* at present.

1626. Mr. Serjeant Armstrong.] "Again men of Gort (cheers), to borrow the language of us leave a captain as ever walked on quarter-deck, 'Ireland expects every man to do his duty' (cheers). That duty was a great, a solemn duty, owed to county, country, to their families, their friends, themselves, and to God (cheers); the duty of asserting their inalienable right to freedom of the franchise. The combat, as it now stood, far transcended the original issue; it had been a question of men and measures (cheers). The combat now lay, not between Captain Nolan (cheers) and Captain Trench (groans), not between a liberal Catholic, the son of a liberal Catholic, and a bigoted scion of the most bigoted family; not between Nolan of Bellingherry and Trench of Garbally (groans), no. The question far transcended all these, it was far greater than these, it was whether they should live as freemen, or, be for ever slaves (cheers); would they be freemen? (cries of 'We will!') They would not then act as slaves (cries of 'No, no,' and cheers). Then Sir Thomas Burke, to be a little unparliamentary, is a lion (a voice, 'He is, and a d—d lion!') for Sir Thomas Burke has declared that he would make them and all his friends vote for the man whom he likes, and, in his own words, that he would make them slaves; and with a truculence worthy of himself, and with an impudence unworthy of the great haronet (groans), that he would make them vote just as he would wish, and he had had the effrontery to say that if they did not so vote he would evict now, as he had evicted before." Did you determine that you would make your tenants, and all your friends vote for the man you liked?—No.

1627. Did you ever announce that you would make your tenants, or anybody else slaves, with reference to their votes, or anything else?—I never thought of such a thing.

1628. "And that he would make them vote just as he would wish." Did you ever say that?—Never.

1629. "He had the effrontery to say that if they

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they did not so vote, he would evict now, as he had evicted before." Did you ever threaten that?—I do not think that I ever evicted a person in my life.

1630. Then you never threatened to evict them as you had evicted them before?—No.

1631. You do not recollect having evicted anybody?—Humbly ever.

1632. Are you a Catholic by religious profession?—I am.

1633. And have you been almost a constant resident in your native county?—Yes, and a large farmer.

1634. Had you lived habitually in great peace and happiness with your tenantry?—The greatest content.

1635. I resume this gentleman's speech "and that he would drive the people like vernal off the face of the earth;" did you ever say such a thing as that?—Never.

1636. Did you ever even think of such a thing?—Never.

1637. "(Groans.) Yes, Sir Thomas Burke has unfurled the blood-stained banner of extermination;" is there any ground for that in truth?—Not the slightest.

1638. "That banner which is stained with more Irish, nay, with more Galway gore than all the waters of the Shannon could wash out;" is there any act of your life which can be justly reflected upon as exhibiting a blood-stained banner?—I fancy not, and I hope not.

1639. "That banner which had caused more tears to flow from the eyes of the widow, and the orphan, than would suffice to float an entire navy (sensation);" I suppose that you are not astonished at sensation amongst an ignorant people?—No.

1640. "That Sir Thomas Burke the anti-Catholic (and to say it parenthetically), his Lordship, who is ostracised from the councils of Ireland, and the saloons of Ireland;" that, I suppose, means Lord Clanricarde?—I am told so.

1641. "They have called their followers now to fight, and they have lifted that blood-stained banner;" you stained no banner with blood?—No.

1642. That was followed by groans; "On the other side look around, see those banners raised aloft over the heads of the reverend-bishops and the sagartha aroon, those ministers of God who never forsook the people (cheers), and whom the people never would forsake (cheers); yea, they would never forsake the sagartha aroon who watched over them from the cradle till this moment (cheers); those who poured the balm of consolation into the wounded spirit of their people, who wept with them in their sorrows, and who joyed with them in their joys (cheers); those who would stand by the side of each one present to show them the light of the new life into which they were passing at that awful moment; those were the men called to repeat the words of the brainless baronet, 'Priestly dictators;' the brainless baronet said, 'I will not stand this; I will not stand priestly dictation; I will put all that down;' but he (the speaker) would say, and he spoke the sentiments of all the true-hearted priests there and in the county, they will put all his dictation down (cheers). Yes, it were better for the baronet to be 1,000 miles away, when he had spoken those words; it would have been better for him to be in Japan than present at the Crusade meeting of Loughrea; for, in that circular, wherein he reminded the people that after

the election they could expect no favour from any, unless from the landlord, his agent, or his hollif, Sir Thomas Burke sounded his own death-knell;" have you read that?—I heard it.

1643. Have you made arrangements to live out of this country?

Mr. Maddenagh.] My Lord, that is surely not for an inquiry on this election?

Mr. Serjeant Armstrong.] Does my learned friend think that Sir Thomas Burke is going to live here to be killed?

Mr. Justice Keogh.] I cannot admit that out; there are a variety of reasons why that is a legitimate question, and I shall certainly allow it to be put.

1644. Mr. Serjeant Armstrong.] In consequence of matters which have occurred, including a threatening letter which I will put into your hands, have you made arrangements to live out of this country?—Yes, for the present; I was so disgusted that I have taken my family out of the country.

1645. Have the goodness to take that letter into your hand, of which they left you to pay the postage (*handing a letter to the witness*); did you receive that threatening letter?—I did, on the 23rd of December.

1646. Through the post?—Through the post.

1647. And I think that you had to pay 2d. for it?—It appears so.

1648. It runs thus: "December the 22nd/71. My dear Sir,—I see that you have a mind to make the whole county vote for that Orange tyrant, Captain Trench, as well as yourself; but I say, and I say for truth, that you won't be allowed to give him your own vote itself; and I promise you that if you do, I will meet you for it, and your days won't be long in the land; I will go to your own door and make a clean job as I made of many one before you. But I don't blame you, for sure you are a real Protestant yourself and all belonging to you. No more at present?"—Yes, I initialled it on the morning that I received it (*the letter was handed in*).

1649. You have sent your family out of the country, and have made arrangements to retire from it yourself?—Yes.

Mr. Serjeant Armstrong.] I may just inform my learned friend that there are several hundred copies of that newspaper containing that speech, for which they have charged.

Mr. Maddenagh.] I have said that, *de bene esse*, you may read it; you will give some proof of it hereafter.

1650. Mr. Serjeant Armstrong.] Yes, that is my authority; several hundred copies were specially charged for; that is all I say. I will proceed: "He" (that is Father Lavelle) "was at many a public meeting, but never did he feel more pleasure than at that one of to-day, for some people had said the people of Galway were down. Good Heavens! the Catholic people of Galway to be independent! O'Connell once said that he never could make anything of her shoneens, of her Sir Thomas Burkes;" you know, of course, that shoneen is a term of great contempt for a gentleman and proprietor?—Yes.

1651. "And when he was in opposition to Lord Clanricarde regarding the election of a Member for the county, the Marquis said, 'My dear

dear Sir,—If I set up my big grey mare as a candidate, she would win.' 'I believe so,' said O'Connell, 'for you have already set up an ass.' (Cheers and laughter.) And now if he succeed with Mr. Trench, he' (that is you, Sir Thomas Burke) 'will have set up, I think, a hybrid mule, but neither ass, nor horse, nor mule should ever be set up again by Lord Clancarron. (Cheers.) He' (the speaker) 'would put Peter Barrett on the hustings if he could get no other in opposition.'

Mr. Justice Keogh.] What is the date of that paper?

Mr. Serjeant Armstrong.] The 5th January, my Lord: the report of the New Year's Day meeting.

Mr. Justice Keogh.] What is the name of the paper?

Mr. Serjeant Armstrong.] The "Tuam News," my Lord.

1652. To the Witness.] I believe that, having read that speech or parts of it, you entered into a correspondence with the Archbishop, who, we may suppose, is some authority in these matters?—I did.

1653. You addressed to him a letter?—I did.

1654. On the 8th January you wrote him this: "My dear Lord"—

Mr. Meadeburgh.] Does your Lordship think that evidences?

Mr. Justice Keogh.] Does it relate to the election?

Mr. Serjeant Armstrong.] Distinctly, my Lord; it is appealing to him for something in the way of protection, and there is the reply.

Mr. Justice Keogh.] I think it better not to enter into a discussion.

1655. Mr. Serjeant Armstrong.] "To his Grace the Archbishop of Tuam, Marble Hill, 8th January 1872. My dear Lord, I received this morning a paper called 'Tuam News,' in which I find a report of a speech delivered by Father Lavelle, at the Gort meeting, on New Year's Day, which astonished me. The reverend gentleman is, I know, a parish priest under your control, but I feel sure that such language, both as regards myself, and my noble relatives, was not used with your sanction, and will not meet with your approval. I have no objection to be called a fool, but I do not like to be called a liar, nor do I like my deathknell to be sounded without some little preparation. I do not fear threatening letters, and I trust the people, whom I have never deceived or injured. But there are many who would look upon Father Lavelle's speech as a clear order to intimidate, I not know what is. My first impression was to go on Thursday next to Loughrea, attend the meeting, and speak for myself; but, on second thoughts, I consider it more dignified to appeal to you, for whom I have the greatest respect. When I stood for the county, though you were a consistent opponent of mine, you always acted as a priest and a gentleman. All through your public life you have played an honest upright part, and though often differing from others, you have never held up your opponent to be injured, or allowed those under you to do so. And therefore I very much regret that I feel bound, in justice to myself, to

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write to you this letter, which I mean to publish. I remain, my dear Lord, your obedient servant, T. J. Burke." I will now read the reply of the Archbishop to what I will venture to designate as rather a temperate letter. "To Sir Thomas J. Burke. St. Jarlath's, Tuam, 11th January 1872. Dear Sir, I am in receipt of your letter of the 8th instant, relative to the report of the recent Gort meeting, to which you directed my attention. As I was reading in that report the passage referred to in your letter, 'that Sir Thomas Burke sounded his own deathknell,' a most respectable gentleman who was present at the Gort meeting, and heard the speech referred to, happened to call," (we shall hear who that gentleman is, I have no doubt, before the case closes) "and on his attention being turned to the above passage, he declared that immediately after the words just quoted the reverend speaker added, 'I mean his political deathknell,' which adjunct you will admit strips the ominous phrase of its alarming significance." I need hardly inform your Lordship that no such thing was reported in the "Tuam News," in the speech, and we shall hear who this gentleman was who dropped in so opportunely. "As to the ugly and offensive phrase within inverted commas, of which no sensitive gentleman would like to be the utterer or the object, the reverend speaker has fortunately anticipated the right explanation, by remarking that he used it only in a parliamentary sense." My Lord, the parliamentary sense is in reference to the words "a liar." Whilst this explanation shields you against a foul imputation, at worst it could only expose himself to the possible reproach of indulging a harmless vanity, by comparing himself and his auditory to one of their representatives addressing the House of Commons. Enough, however, on the point and one-sided view put forward in your letter; and more than enough on the words of which, whilst I explain their obvious meaning, I would not, without the qualifications enjoined by the speaker himself, become the apologist. At the same time our people are, thank God, so enlightened and religious as not to put on a word detached from the context a sinister interpretation at variance with the habitual instructions of peace and goodwill uniformly administered by the Catholic clergy. Their patience has been proverbial." (That is the people's patience.) "They have an hereditary horror of shedding human blood, notwithstanding the frequency and cruelty of the evictions with which the melancholy history of the last 30 years has made them too familiar." You have told us, Sir Thomas, that you had no share in these transactions at all events. "As you are pleased to avow your intention of publishing, in your own behalf, the letter which you have honoured me, allow me to explain my views regarding not one class exclusively, whether landlords or ecclesiastics, but likewise the large and influential tenant class, not the least important portion of the commonwealth. We are on the 'eve' of an impending election, which is to transcend in its issue all the previous elections in Ireland since the memorable Clare election, which achieved the emancipation of the serfs who had been hitherto nominal freeholders. The free and independent exercise of the suffrage is now threatened with annihilation." Did you threaten the free and independent exercise of the suffrage with annihilation?—No.

1656. "And even the 107 freeholders are told they must vote at the bidding of their landlords,

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Bart.
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Sir
T. Burke,
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1878.

lords, and in accordance with their desire;" did you ever say that they must vote at the bidding of yourself, or of any other landlord?—Never.

1857. "The freehold of the tenant is not derived from the landlord, nor does it form any part of his prerogative; in the eyes of law, the franchise of the tenant is as sound and independent as that of the landlord himself; if it really or constitutionally belonged to the landlord, would it not have been a more simple and truthful process on the part of the Legislature, to declare that every landlord should have as many votes as he may have tenant freeholders, and thus spare the country a process as ruinous as it is hypocritical, of calling the avowed slaves of the landlord by the name of 'independent freeholders;' but as this is not done, the tenant, when industry gives a manifest value to the raw materials of the proprietor's land, has obviously a greater right to ask his landlord's vote in his behalf, than the landlord has to insist on the tenant's vote exclusively for his own interest, and notoriously against the interests of the poor coerced voter. Now the tenant's right to freedom of the suffrage being equal to that of the landlord, allow me to inquire how you can explain the strange threats of coercion which the landlords are reported to have used towards their tenantry. In your letter, you ask whether the language of the reverend speaker at Gort does not manifestly encourage intimidation, and yet you appear to be utterly insensible to the more terrible and sweeping intimidation fulminated against a whole people by a few landlords, without a particle of right to justify the threatened vengeance." Do you know, or did you know, of any terrible and sweeping intimidation fulminated against a whole people by a few landlords?—No, none.

1858. "Place yourself in the position of a tenant freeholder, would you think it just or equitable to be treated as you are reported, in the handbills issued at Loughrea, to have treated your tenantry, and if not, you should in all fairness explain the cause of such unequal weights and measures. In your reference to my public career, I have no reason to complain on the score of courtesy, except a trifling failure of memory in making use as a consistent opponent. Whether giving my humble support or opposition to you, or any other Parliamentary candidate, has ever been to me, on mere personal grounds, a matter of personal indifference equally uninfluenced by fear or favour; but as you introduced the subject into your letter, I wonder how you have forgotten my support of your candidature in 1852, and in 1857, and how on the last occasion I went on Good Friday to vote for you in the Court House of Tuam, but not until you assured me the other popular candidate of your choice had your and the people's support in Loughrea; it is not yet forgotten here how the truth of that declaration was realised." Did you make any representation of a false nature to the Archbishop of Tuam, in reference to that matter?—I remember the election to which his Lordship alludes; he did come up to me in the town of Tuam, and said, at the time I was 1,000 a head, "I do not think you are a bad landlord, and I will give you my second vote."

1859. You were 1,000 a head at that time?—I was.

1860. Therefore, thank you for nothing. "And now in conclusion, permit me to congratulate you and your landlord friends on the choice you

have made of a Parliamentary candidate for the coerced support of the Catholic freeholders of the county of Galway." Did you coerce the Catholic freeholders of the county of Galway in favour of your friends?—No.

1861. "You do not yet forget the year 1829, and the helpless condition in which yourself, and some of your noble relatives, as you love to call them, lay 40 years ago, without power or patronage, and unable to rise from that prostrate condition, until O'Connell, and the priests and the devoted freeholders of Ireland rescued you from your abject state, and gave you a freedom which yourselves could never have achieved. Little did your emancipator then dream that the day would so soon arrive when those noble services would not only be forgotten, but requited with black ingratitude, and when those emancipated slaves would enter into a strict, but I will not say a bold, alliance with their hereditary foes to oppress their deliverers. History, in this instance, is only repeating itself, and the reconciliation of Herod and Pilate for the oppression of innocence has been deemed a fitting representation of the new friendship formed between the two hostile houses of this county to crush the rights and liberties of the people. But those unscrupulous efforts will ultimately show the abortive fate of similar combinations of the past. Those who are conspiring not only against the just rights of the freeholders, but against the authority of the Legislature and the pride of the country must fail, and Justice come forth triumphant. I have the honour to be, my dear sir, your faithful servant, John, Archbishop of Tuam." Were you conspiring with anybody against the just rights of the freeholders, or any rights, or against the authority of the Legislature?—No.

1862. Do you regard that letter as a most dangerous and seditious letter to have fulminated throughout this country?—It is a very strong letter, but I should not like to give so strong an answer as that; the letter speaks for itself.

1863. I will now read you your reply. "Marble Hill, 15th January 1872. My dear Lord,—I am in receipt of your letter of the 11th, and before closing the correspondence, you must allow me to remark that I consider it by no means a satisfactory answer to my appeal against 'ugly and most offensive charges.' None of the qualifications and amendments introduced by your Lordship, appeared in the newspaper now in my possession. I was 18 years in Parliament, during which time I did not learn any 'Parliamentary sense' for the term 'liar'; and, in point of fact, the words reported to have been used by the reverend speaker were, that he should adopt unparliamentary language, and call Sir Thomas Burke a 'liar.' Having called your Lordship's attention in all courtesy and honesty to these outrageous words, I feel that I merited more redress than I met with at your hands; and I expected on your part a deeper sense of what was becoming in a priest and due to a gentleman. I must also add, that no just cause was ever advanced by such unjust means. Two pages of your Lordship's letter may be taken as an answer to mine; the other 13 are an exposition of your own political views taking in facts from 1829. I have no wish or intention to follow the course pursued by your Lordship in this respect, nor enter into the history of bygone wrongs now happily redressed. As regards the present, your Lordship charges me personally with using intimidation to my tenants, and makes that the ground

ground of completely avoiding all answer to the accusation I bring of an attempt at intimidation on the part of Father Lovello. There are few freeholders, if any, who do not perfectly know that that the unfair intimidation hinted at by your Lordship is now by the law of the land practically impossible. I can also fearlessly appeal to my own tenants, and ask if capricious ejections have ever been favoured by me. But there are other ways in which goodwill can be evinced between landlord and tenant, and this is what I hold should not always be a one-sided tie. I have always lived among my people. I have shown them kindness when they required it, and I feel quite sure they will now show their trust in me by helping me to send into Parliament a gentleman whom I believe to be an honest man, and one likely to prove a useful Liberal Member. In conclusion, allow me to acquaint your Lordship that I did not promise my support to Captain Trench until some time after you, I might almost say, promised the representation of this great county in the public press to Captain Nolan in consideration of a private agreement entered into between him and you at a previous election, and without consulting any class or interest in the county, except I presume, the priesthood. I remain, your Lordship's obedient servant, Thomas J. Burke." This letter was published in the "Tunm News" of the 2nd of February, and you will observe that it is dated the 13th January.

Mr. Justice Keogh.] The whole correspondence appears there.

Mr. Sergeant Armstrong.] Yes, my Lord.

1664. To the *Wexham*.] Did you duly dispatch to his Grace Dr. McHale your letter of the 13th of January?—Yes, by post.

1665. He keeps it for a fortnight, and then writes the following letter on the 27th January; he had had your letter 13 days:—"St. Jarlath's, Tuam, January 27: Dear Sir,—Having waited for the promised publication of my acknowledgment of the letter with which you honoured me" (I read to your Lordship the published acknowledgment of it). "I am rather surprised at its non-appearance, especially as it appears that you took care to have your own letter industriously circulated. Relying on the faith of your promise, I sent you my answer without having a complete copy; but as I find that your letter has been so fully circulated without any reference to my reply, I deem it a duty to require, in justice, that you publish forthwith my answer to your letter in extenso, otherwise I must supply the substance of my letter from memory, without vouching for its verbal accuracy; and should you not be pleased with this version from memory, you will have the choice most gratifying to me of furnishing the genuine original with which I had the honour of acknowledging your favour. Believe me, dear Sir, your faithful servant, John, Archbishop of Tuam." Now, I want to ask you whether, a few days before the election, you had made, as far as you could, arrangements to receive your tenants at Marble Hall?—I may state that I only sent the original letter of Dr. McHale in his own handwriting, with my compliments, for fear there should be any mistake.

1666. I will just read what is represented as coercion brought to bear upon you; this is the matter referred to, and the ground of this attack amongst all classes of this country.

241.—I.

Mr. Macdonagh.] What is this?

1667. Mr. Sergeant Armstrong.] This is what is called the Loughrea Manifesto, which excited these gentlemen:—"Almost all the electors in this county live by the land, and the landlord, the tenant, the labourer, the priest, the parson, and the shopkeeper; and this being the case, I cannot see any reason why the landlord alone should be debarred from any interference in politics, or why their tenants should be allured from their guidance and advice; still persons who could go between landlord and tenant should remember that no party is so much interested in the real prosperity of the tenant as is his landlord. I now express my hope and confidence that none of my tenants will vote against my will for any candidate, and I feel certain they will not forget my conduct to them when they required both forbearance and indulgence. I would wish all my tenants who have votes to give them to Captain Trench; 'he is as liberal as his cousin, W. Gregory, who has given such general satisfaction.' Give a wise vote now while you can; you may soon be without one, for if Captain Nolan's system of restoration or restitution becomes law you will have to restore the land you got from your neighbours 25 years since, when they implored for assistance to go to America. You are now the occupiers of the soil, and love your bones, and wish to live in them in peace; therefore, do not listen to agitators who would, if they could, reduce this county to the deplorable condition of France; and, recollect, when the election is over, you have no one to expect any favour from but your landlord or his agent." Is that the publication which brought all this storm of abuse upon you?—I served a copy of it upon each tenant of mine.

1668. Is that the only coercion which you used?

—That is the only coercion which I used.

1669. I was just asking you whether you had made arrangements, so far as you could, to receive your tenants at Marble Hall, a few days before the election?—The polling was to be on the Tuesday; on the Saturday morning I sent for my under agents, a couple of the bailiffs from different estates, and I asked them to go round to ask every freeholder on my estate to meet me at Marble Hall at 12 o'clock on Monday, the polling being on Tuesday.

1670. Had you a large apartment for their reception?—I had; I cleared out my dining room.

1671. Are you aware that a number of them came there?—Certainly, I saw a great number.

1672. Did you see two priests with them?—Yes, I saw them through the window; I did not go out.

1673. I believe you were not very well at the time?—I was not well.

1674. Did you send an invitation to the people to come in without the priests?—No; what happened was this, the first intimation which I got (for I got two or three messages) was asking me whether I would go down to the office, which was two or three miles off, and speak to the people there; I said "no," that I was not well enough. The next intimation which I got was, had I any objection to the reverend gentlemen coming; I said, "Not the slightest to coming to the house." I believe that I made the remark that a curate need not come if he had not a vote, that it was meant entirely for electors. Then there was another consultation, and they

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marched up to the hall door; I did not go out, but Lady Mary did.

1675. Is her Ladyship here?—Yes, I did not speak to one of them.

1676. What Catholic church are you in the habit of attending?—Bellinakil.

1677. Who is the clergyman of that church?—The Reverend John Calaghee is the parish priest, and the Reverend Mr. Walsh the curate.

1678. Which did you hear speak on the subject of the election?—The parish priest.

1679. The Reverend Father Calaghee?—Yes.

1680. About how long before the election was that?—I did not take any note of the date, but it was about a fortnight.

1681. It was in the month of January?—Yes.

1682. Did he announce from the altar that he intended to address the people on the election?—Just when he had finished mass, he turned to the congregation and said, "As soon as I go into society, I am coming back, and I will speak a few words to the congregation," and he came back without his vestment, but in his cassock.

1683. Did he proceed to address them?—He did.

1684. Do you recollect the substance of what he said?—He was very wild, there was nothing wrong in it, he seemed in every way in favour of Captain Nolan, and he said that Captain Trench had no business to come here, that he had no land, nor anything; I said, "I think that he will have some soon, for he is going to buy some."

1685. Did you retire from the place?—Yes.

1686. And was he left speaking, as the reporter says?—I think he was, I did not take particular notice at the moment.

1687. You retired from the chapel?—I retired from the chapel.

1688. Do you recollect whether Lady Mary was with you?—She was; I did not take any note of it at all.

1689. From your acquaintance with the country, being largely acquainted with the general state of affairs in the county of Galway, and in your own neighbourhood particularly, are you able to say whether in consequence of the meetings, and the speeches, and the placards, and the general current of all that went on upon the side of Captain Nolan, a feeling of intimidation and terrorism existed in the country?—Strongly; the feeling of the country went mad.

1690. Do you think it was calculated to interfere with free election?—Decidedly, there was no such thing as free election. The non-electors were worse than the electors.

Cross-examined by Mr. Macdonagh.

1691. May I ask you when you promised Captain Trench?—A very short time before the election; I cannot tell you exactly; I did not keep dates; I was a long while before I promised him at all.

1692. In or about what time can you fix the date?—I really cannot fix it for certainty; I have no data; I should say about three weeks before, but I took no note; I was very happy in supporting Captain Trench; I took no note of it.

1693. The election having been on the 3rd of February, the nomination-day, I take it for granted that it was some time in January that you promised him?—I should say so; I rather waited to see his address; if it had not been a Liberal one I should not have supported him.

1694. Had you published the manifesto as it has been called, or as I will call it, to your tenants, which my learned friend has read?—I published it after promising Captain Trench about a day or two after the Loughrea meeting. I got it printed in Loughrea.

1695. You mean the public Loughrea meeting?—The public Loughrea meeting.

1696. Did you deliver it?—No, I signed every copy; I addressed 100 copies or more, and sent them round by the different bailiffs.

1697. And did you desire the bailiffs to announce to the tenants that you had promised Captain Trench?—They were perfectly aware of it; I do not say that I did, but I told everybody that I had promised him.

1698. You were assisting Captain Trench in the course of his election?—No, I was not.

1699. Were you canvassing for him?—No; I never canvassed anybody for him more than gentlemen in my own neighbourhood. I did not canvass my tenants; I was not there; I was ill for three weeks just at that very time; I did not come in to the nomination.

1700. Did you come in to the polling?—Yes; I polled at Loughrea.

1701. Do you say that you may have canvassed in your immediate neighbourhood?—I do not think that I canvassed any one in particular.

1702. Just reflect upon it; did you or did you not?—I did not.

1703. But your tenants knowing perfectly well that you had promised Captain Trench, you directed your bailiffs to deliver to each of them this document?—Yes.

1704. You say that you were happy in promising Captain Trench, but you held off?—I told him that I would like to see his address.

1705. You were asked by my learned friend as to the length of time for which you so I know as for this county?—From 1847 to 1865.

1706. When was the contest between Mr. Gregory, yourself, and Lord Dunlo?—There were so many contests that I can hardly say.

1707. Was it about 1859?—Yes; I think it was.

1708. And you and Mr. Gregory were then returned?—We were.

1709. The resignation of Mr. Gregory, I believe, did not take place until about January 1872, although it was well known before that he would resign?—It was well known for some time; I have forgotten the date of it.

1710. In fact the vacancy was anticipated for a considerable time?—For a considerable time.

1711. And in anticipation of his retirement, I believe these three gentlemen had canvassed for some time?—A long while.

1712. Captain Trench, Mr. D'Arcy, and Captain Nolan?—Yes.

1713. In fact, I believe, in the early summer, at all events we will say about Midsummer of 1871, they were all canvassing?—I believe so; they were canvassing for a long while.

1714. Certainly, in July, but I think in June, but in July beyond any doubt?—I think so.

1715. Do you remember the meeting which was held at Loughrea, and at which you presided?—Certainly.

1716. Will you tell me the precise date when it was held?—I have not the precise date.

1717. It was in December, at all events?—Yes.

1718. Give me the letter calling the meeting?—I have not got it.

1719. I believe

1719. I believe that that is it (*Handing a paper to the Witness*); it was sent all over the county?—Yes: there is no doubt about that.

1720. It is signed by Mr. Daly?—Yes; Captain Daly.

1721. "At a meeting held in Loughrea on the 5th instant, it was resolved that a general meeting of the gentlemen of the county should be held in Loughrea on Wednesday the 13th instant, to decide upon the course to be adopted by them at the ensuing election; to that meeting Lord Clanciarde has been invited and has consented to attend; should you be unable to attend the meeting, I shall be obliged if you will state your views on the subject. (Signed) John Archer Daly, Honorary Secretary, December 5th 1871." Were you at that antecedent meeting held on the 5th?—I was.

Mr. Justice Keogh.] What month was it?

Mr. Macdonagh.] December 1871, my Lord.

Witness.] The 5th of December, I think.

1722. Mr. Macdonagh.] That was the fair day at Loughrea?—Yes.

1723. Where was that meeting on the 5th held?—In Mr. Blake's office; there was no meeting; a few gentlemen came there.

1724. Pardon me, it is called in this letter a meeting?—Very well.

1725. It was in Mr. Blake's office?—Yes.

1726. Is that Lord Clanciarde's office?—Yes, it is a house off the office; his rent office.

1727. And is Mr. Blake an agent of Lord Clanciarde?—Mr. Blake is his agent.

1728. Will you tell me exactly who were present at that meeting, or transaction, or whatever it was, which is here called the meeting of the 5th?—That I cannot tell you, but we were in and out; there were not half a dozen people there, I think; Captain Daly was there, and I think Mr. Burton Perce was there, and Mr. John Lambert was there, and I was there; we were in and out; we had other business to mind.

1729. Was Lord Clanciarde there?—Yes.

1730. He came in, I suppose, from Portumna?—Yes.

1731. Were you not favoured with the presence of several of the fair sex on the occasion?—I believe so; you could not call it a meeting; it was a conversation.

1732. It became a fascinating meeting then; which of the ladies composed that document?—Upon my word that I do not know; I was not there when it was written; I went away; I was not there five minutes altogether.

1733. Did you undertake to attend the meeting, and to take the chair?—Of course; I went in to Loughrea to the meeting; I went in for five minutes, and was moved to the chair.

1734. Were you in the chair on the 5th also?—No.

1735. The meeting, in point of fact, was held I believe upon the 13th of December, is not that so?—I believe so; I do not know the date exactly; there cannot be any doubt that the meeting was held.

1736. Do you happen to remember that Mr. James B. Connonen, the conducting agent afterwards, and now the attorney for Captain Treach, was at that meeting on the 13th?—I fancy he was.

1737. In other words, you believe he was?—I believe he was.

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1738. And there was a reporter from Saunders' Newspaper there also?—I heard so.

1739. Mr. Macdonagh.] The publication in Saunders', my Lord, was on the 14th, the day after. (*To the Witness*.) Sir Thomas Burke was in the chair on that day?—I was.

1740. Captain Blake Daly was the gentleman who was honorary secretary, it appears?—He was; he sent out those circulars.

1741. On that occasion the proceedings were these, "Captain Blake Daly said he had received a letter from Captain Nolan which he wished to bring before the meeting," in which letter he stated, "that it had been circulated everywhere throughout the county, that the Lord Lieutenant of the county, Lord Clanciarde, had been invited to attend and had promised to attend; and appealed to the honour of the gentlemen of the county to afford him, Captain Nolan, an opportunity of being heard. The chairman said the letter gave him a very awkward question to decide; Captain Nolan was aware of the terms of the resolution calling the meeting, and so were all those who were asked to come. There was no invitation given to any of the candidates to attend the meeting?"—That is quite correct; we agreed to have no candidate in.

1742. May I take leave to ask you as to the several noblemen who were present on the occasion; there was Lord Clanciarde?—Yes.

1743. Lord Clonbrock?—Yes.

1744. The Earl of Westmeath?—Yes.

1745. Lord Dunlop?—Yes.

1746. Lord Dehom?—Yes.

1747. Sir Thomas Burke is the next in rank, and there were several other highly respectable persons; Lord Ashdown was there also, was he not?—I do not know that I saw him; I do not know that I spoke to him.

1748. "The Chairman" (that is Sir Thomas Burke), "addressing the Marquis of Clanciarde said: My Lord, this is a meeting of the gentry and others, Catholic as well as Protestant, of the county Galway, to decide whether or not we shall give our support to certain candidates at the next election. The meeting has been called by universal consent, including that of myself, who have represented this county for 18 or 19 years (applause), for the purpose, and there is no use in disguising facts, of preventing Captain Nolan and his party coming into the county. (Loud applause.)" That was accurately reported?—Quite.

1749. Saunders is generally very accurate. Then the Marquis of Clanciarde speaks, he says, "My worthy relative," that is Sir Thomas Burke of course, "has put a question to me that really in my position I cannot possibly answer. (Applause from Captain Nolan's friends.) I, as a peer of the realm think, and I am sure the other peers who are here present, agree with me in thinking, that we do not waive our right because we are peers, to take an interest in a matter that so gravely affects the welfare of the whole empire as the election of Members of Parliament. (Hear, hear.) We believe that a mere resolution of the House of Commons never did and never could prevent us exercising a fair, legitimate, and honest influence as landed proprietors in such matters. (Applause.)" That is so far correct?—I will not say whether it is quite correct or not; the Marquis did speak something to that effect, but I never read it.

1750. Lord Clanciarde went on to say, "But then,

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then, gentlemen, I happen to be also an officer of the Crown in this country, and as such, I must be very cautious as to how I commit myself in any way that may be considered unfair or unconstitutional. I hope that in exercising the duties entrusted to me, those by statute regarding the militia, and those more confidential duties generally performed between the Government and the Lord Lieutenant of the county, I succeed in my endeavour to avoid partiality. (Applause.) In all my conduct, I have endeavoured to do so; and I hope, as a general rule, I have tolerably succeeded. (Applause.) Well, it is impossible for me to point out what line I will take in favouring the election of any person, because I should then be holding myself open to observations of a character which I have hitherto avoided. I come here to-day at the invitation of my friends, and because of the proceedings that took place at Oughterard; proceedings that will evidently lead to a spirit of disturbance amongst the masses of the people that will have a serious effect. (Hear, hear.) I have fairly told Captain Nolan that I thought these proceedings very indelicate, very imprudent and mischievous to the county, and if the election is connected with those proceedings, it is for the gentry of the county, and especially the Roman Catholic gentry, to say what line they will adopt. (Applause.) Most undoubtedly, I can never forget the kindness which has been shown to my family by the electors of this county, of all classes, especially by the gentry. I have had the satisfaction of voting in unison with those to whom many of them are politically opposed. (Hear, hear.) I am, perhaps, a great debtor to the gentry for the support they have given to my family upon different occasions, but I should not therefore think of mixing myself up in election proceedings in any way I could avoid, or of acting improperly in the matter. (Hear, hear.) I wish to see the landed gentry of the county acting together, and so far as it becomes my position, and so far as it would be right for me to act, I for one, wish to act with them. (Loud applause.) Of course it would be quite useless to say how advantageous it would be to avoid disturbance in the county. (Hear, hear.) If the proceedings to which I have referred were over the day of election, it would be well and good, but carried on they lead to the disorganisation of society, and make different classes that ought to act together, act against one another. (Hear, hear.) Matters thus get on very badly, and at last life and property become insecure. This renders it impossible to live in the country. It is unnecessary to mention various parts of Ireland in which life and property are not safe. In point of fact, we are not at this moment living under the free rule of the constitution. We are obliged to have our districts proscribed, and to look upon the proclamation as necessary to safety. I do not allude now to this country, but to other counties in Ireland. (A voice.) If all the landlords were like you this would not be so. (Cheers.) The Marquis of Clanricarde. I hope the gentry will try to act together in the way they think will be fairest and best for keeping up the legitimate and proper influence of society and of classes, that they will see what is best for the country, and to avoid disturbances. (Hear, hear.) I wish to act as far as I legitimately and properly can with them. (Applause.) His Lordship's remarks were indistinctly heard. The Chairman.

You have distinctly stated you did not mean to interfere in the election. Lord Clanricarde. In any improper manner. The Chairman. I wish to have a broad answer, let it be clearly defined. (Hear, hear.) Mr. Martin McDonnell. Then we take it that his Lordship says, he will not exert undue influence. His Lordship would be altering the principles of his great life if he did, and severing the great link that binds him to the people of Ireland, and particularly the people of Galway. (Applause.) There is no denying that a feeling will arise in the county by this election that it will be difficult to subdue. I would not like to see the people listed against the landlords, but the constitution has been placed in their hands, and they will exercise their privilege. (Applause.) The Chairman ruled the speaker to be out of order. Lord Dunsandle. There seems to be some misapprehension as to what Lord Clanricarde said, that in his peculiar position he did not wish to make any decided pledge by name to the candidature of any gentleman. (A voice.) He never said that. (Hear, hear.) Lord Dunsandle. But that his inclination and determination was to go with the gentry of the county. (Hear, hear.) Whether the noble Marquis was right in saying that his peculiar position precluded him from giving a more decided answer, I do not know. He thinks he is, I think he is not. I am sure we ought to be quite satisfied with what he has said, because he thinks that in his position he could not go further. I wish there may be no mistake as to what the noble Marquis did say, that he would wish to go as far as he legitimately could with the gentry of the county. Mr. Nolan. And not to use any undue influence with his tenants? Who was that Mr. Nolan, do you know?—Sebastian Nolan, I fancy; I am not sure.

1751. I believe, from something which I have heard, that it was, and that you are perfectly accurate in your memory. Then the Chairman says, "The reason I put the question so direct and so strong to the noble Marquis was that I wanted him to explain, to the fullest, what he meant. Do not let people go away from the meeting, saying that Lord Clanricarde said this or that. (Hear, hear.) (A voice.) He knows how to express himself as well as anyone present. He requires no translator." Do you know from whom the voice emanated?—No.

1752. "The Marquis of Westmeath" (it must be the Earl of Westmeath, I presume): "I wish to say that the Marquis of Clanricarde has just mentioned to me that he endorses the explanation given by Lord Dunsandle, that he will take every step he can with the gentlemen who are present legitimately. (Hear, hear.) If you ask what legitimately means, I think, under Lord Clanricarde's correction, I may state it means that he cannot interfere as you would in this business at present, but that he will in the same way support whoever the gentry wish when the time comes. (Applause.)" Mr. George Morris is the next speaker. He says, "I wish to make an observation. I received an invitation to attend this meeting, and I came under the impression that it is a meeting of the freeholders and gentry of the county. I do not know a more fitting opportunity than the present of taking the opinion of the freeholders as to the candidate they will elect. (Applause.) Captain Daly: I propose that Captain Trench be adopted as the Liberal candidate for the county. (Applause.) I would

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occasion in Loughrea upon that day deliver this printed paper?—To very few voters; I sent it out to all my tenants, but that day I do not suppose I showed half-a-dozen of them about; some gentlemen asked me for two or three copies of them, and I gave them to them.

1765. It is a matter of memory entirely?—It is a matter of memory entirely; there was no concealment about it; I dare say if any gentleman asked me for half-a-dozen copies I gave them.

1766. It was doubtless seen in the room on that meeting?—I do not know that it was; I think it was after the meeting, but I am not quite certain; I do not think that I had them small after the meeting; they were sent to me at the hotel, I think, after the meeting; I am giving my evidence as fairly as I can.

1767. I think I am doing as fairly as I can?—Indeed you are.

1768. To how many voters; three, six or ten, did you deliver them on that day?—Of course a country gentleman is a voter, but the people to whom I handed them on that day were not of that class of voters; I did not give them to what you may call the 12 l. voters; I signed them all with my own hand, and handed them round afterwards to the different districts, and to any who were large farmers I sent them by post.

1769. Do you remember to have circulated them not only amongst your own tenants, but when you sent them by post might you not have sent them to some country gentlemen?—No, I sent them to my own tenants, and I sent a lot down to my agent at Ballymore.

1770. That is about 50 miles from Loughrea, I believe?—Yes, it is at the lower end of the county adjoining Roscommon; only to voters there.

1771. Do you remember to have shown one of these to Lord Clancarde?—I have no doubt I did, but I do not remember it.

1772. Would you be kind enough to tell me whether you did not send them (you know memory is a thing about which the most accurate person may be mistaken) to the Barony of Kilmacdonnell?—I have nothing to do with Kilmacdonnell.

1773. So I am informed?—Not at all.

1774. Have you any recollection whether you sent them or not?—Not to the Barony of Kilmacdonnell.

1775. For diffusion amongst them?—No, I do not think I sent one there.

1776. May I ask you, did you see the young gentleman who was the candidate for the county, Captain Trench, that day at Loughrea?—I saw him after the meeting. I saw all the candidates; they were all in Loughrea.

1777. They were all in Loughrea waiting for their doom, and, of course, you naturally congratulated him upon his having been selected?—I have no doubt I did. I just saw him for a moment; I was in a great hurry to get home. I had a good many miles to go.

1778. And, doubtless, as you were there engaged in circulating them, and went to the printer's, showed one of them to Mr. Trench?—The printer sent them to me to the hotel as fast as he did them; a good number of them, about 100 or 150, I think.

1779. Did you show any of them to Mr. Trench?—I daresay I did; certainly afterwards he saw one.

1780. Have you the least doubt that upon that day he saw them?—I am not certain of that day,

but I have no doubt that he saw them. There was a good deal of talk about them.

1781. I suppose that he thanked you for your kind support, and hoped that you would exert your influence for him?—I have no doubt he did.

1782. We have heard a name mentioned in the pleasant and able speech of my learned friend, the name of Ajax McIlhenny; do you remember him, he was a tenant of Mr. O'Farrell's?—I have heard the name.

1783. He voted for you; he would not plump for Lord Dunlo at that election; is not that a fact?—I do not know about that; was that in 1859?

1784. Yes; try your memory; I tell you how I will remind you; was he not evicted because he voted for you, and would not plump for Lord Dunlo; did you not complain of it yourself?—Is he a tenant of Lord Clancarde's?

1785. He is a tenant of Mr. O'Farrell's?—I do not remember.

1786. Had he about seven acres under Lord Clancarde?—I do not know anything in the world about that. I know that there was a man of that name. I have a memory of a man of that name.

1787. But you have no memory of the transaction?—No; not a word about it. There was a letter written to me; I got a dozen letters at the time about ejectments, and one thing and another, but really I cannot go back to 1859.

1788. I am instructed to ask you whether you have since the election served a notice to quit upon the curate of the parish?—I have.

1789. What is his name?—The Rev. Mr. Walsh.

1790. That is the curate of the gentleman who spoke upon that occasion?—Yes, and I may say on a distinct understanding in his own handwriting in a letter that he would give me possession any day I asked him. He wrote and said that he would give me possession on a Thursday, and he refused it. I have his letter, and I am going to publish it. I had a distinct letter from him to give it up. I have not served the notice yet, but I intend to do so.

1791. Was he a tenant from year to year of yours?—He was only in about three weeks altogether.

1792. Was it a house or land?—A house; part of a police barrack. He used to pay 10 l. a year for it.

1793. Was there a contract in writing?—None.

1794. A contract by word of mouth with a gentleman is as good as a contract in writing?—It was not with me; Lady Mary let him in; there was no contract; his name was never entered in the rent book.

1795. At all events he was let into possession to pay 10 l. a year?—Yes.

1796. And that was about three weeks before the election?—Yes, it might be a little more; I cannot confine myself to a week or two.

1797. Did you inform him that you intended to turn him out?—I have had correspondence with him in two or three letters. I wrote and asked him for possession, as he promised on his honour as a gentleman to give it to me.

1798. When did you ask him?—About a week after the election. I have his letter promising that he would give me possession on the next Saturday, so that he could not in honour and dignity hold it.

1799. We

1799. We have not the letter?—The letter you will see in the paper very shortly.

1800. Within a week after the election, you told him that you would require back the possession?—Certainly; and I asked him to take cattle off any land.

1801. Then he had land connected with the house?—No; I gave him grazing.

1802. Do you know a man of the name of Tierney, a bailiff?—I do.

1803. Was he a bailiff of yours, or a sub-agent?—He was a bailiff of mine.

1804. Has he been removed from his office of bailiff since the election?—He has.

1805. By you?—By me.

1806. I think, if I do not misunderstand you (of course, I may not have heard exactly your expressions), that when the Rev. Mr. Calaghy, parish priest, was speaking, it was without his vestments?—He was; he went into the sacristy and came back again.

1807. He went into the sacristy and unrobed?—He did, and unrobed.

1808. I think you said he was very mild in his manner of speech?—He was.

1809. There is no doubt of the correctness of what that reverend gentleman stated, in point of fact, that Captain Trench, who resides, as his petition shews, in Hyde Park Gardens, London, has no land in this county?—No, I believe not. I do not believe he has any; his father has plenty.

1810. No doubt of that. Do you remember the reverend speaker saying that Captain Nolan had the recommendation of being a landed proprietor in the county, and a Roman Catholic?—Yes, it was to that effect; in fact, Mr. Calaghy, you mean?

1811. Yes?—Yes, it was to that effect; praising Captain Nolan very much and very mildly abusing Captain Trench.

1812. That is a very false representation; upon that occasion, did you speak aloud in the chapel?—I made a remark that they could pretty well bear.

1813. So that the reverend speaker heard you, doubtless?—I was sitting at the front rail.

1814. I suppose there was no further remark made when you said, "True it is, he has no land at present, but he will soon have, as he intends to buy?"—Something of that sort, or I think he was going to buy. In fact, he has consulted me about it.

1815. You will understand that the question which I am about to ask you is not any inquiry into your private arrangements; may I take leave to ask you, do you mean to stay in London for the London season?—I am not in London at all; I am near Bristol; I have taken a house there.

1816. A charming place; is it your desire to remain some time in England for the education of your children?—Of course; my boys are at school at Birmingham; two of them.

1817. Then I shall not inquire further; I believe that (handing a letter to the *Witness*) was your answer to the request of Captain Nolan, that you would support him?—Yes, politically. That is my hand-writing.

1818. "Marble Hill, July 23rd 1871. My dear Sir,—I regret that I cannot comply with your request, as I am a determined opponent of National Rule, or Repulse of the Union under another name; and I will do all I can to prevent any man supporting those principles being returned for our county; I care not who he is, and I have written the same to Mr. D'Arcy.—Yours truly, T. M. 241—L.

Barke.—You will understand I only write politically." Will you be kind enough to try your memory upon a matter of fact, which you will probably fully remember upon consideration—

Mr. Sergeant Armstrong.] He appears to me to have recollected everything.

1819. Mr. Mardonagh.] He appears to me to have been very clear upon everything; did you in last October express your intention of leaving the country, and appointing an agent?—No; I have appointed an agent, but not about leaving the country.

1820. Did you appoint an agent in October last?—Yes; I think it was in October last, I appointed Mr. George Morris, and I set three farms. I found that I was not as young as I was, and I wanted rather to reduce the work.

1821. You could not well have made a better choice; did you not then really contemplate going to England for the purpose partially of the education of your children?—No; it was entirely the election; it broke up the whole of my establishment.

1822. Do you happen to remember if it was not the Rev. Mr. Callaghan who went the day that you intended to have your tenants in the large room?—Both the gentlemen were there, I understood. I think I saw both; both Mr. Walsh and Mr. Callaghan came to the hall door, or within a few yards of it.

1823. Do you happen to know that the Rev. Mr. Callaghan is a voter, and did vote?—Yes; he holds a farm from me, and did vote, I believe. Of course, I did not see him voting; but I am certain that he voted. He went in; they all went in.

1824. Of course you had delivered one of those printed circulars to Mr. Callaghan?—Certainly.

Re-examined by Mr. Sergeant Armstrong.

1825. The Rev. Mr. Walsh is one of the clergymen who came with your tenants on the day when you asked your tenants to come?—That was on the Monday; they were neither of them asked.

1826. So I understood; your tenants were asked, and they unexpectedly appeared accompanied by their priests. This Rev. Mr. Walsh had been left in occupation of part of a police barrack?—The officers' division.

1827. Upon a letter stating that he would give it up the moment he was required?—Verbally with my wife; there was no letting, I believe, of any kind.

1828. And in fact there has been no notice served on him to quit, but an intimation given to him that the place is wanted?—Just so; and upon that he promised that he would give it up before Saturday, as he could not with honour or honesty hold it any longer; and when the bailiff went and demanded it, he refused.

1829. He had been in there about three weeks?—A short time.

1830. Had he any land from you?—A little bit of a garden, which the police had; I think my wife told him she gave him half a rood.

1831. Had he any grazing on your land?—Not there.

1832. At any place?—Yes.

1833. Was it a present?—I always gave him a little land.

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1834. As

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Sir
T. Burke,
Bart.
5 April
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1834. As a gratuity?—I always allowed the curate grazing; on all my farms I have a priest's ground.

1835. In reference to Tierney, your bailiff, was this the bailiff Tierney who came to the door on that day with your tenants and the two priests?—It was; he did not bring our tenants from his side.

1836. Whose he was bailiff?—No; he came up.

1837. Has he a farm there?—Yes, and he pays me over 60*l.* a year rent.

1838. You have no intention of disturbing him upon that farm?—Not the slightest, or of raising his rent.

1839. Upon going away out of the county, did you give Mr. George Morris the discretion of discharging him as bailiff, or not?—I dismissed him myself.

1840. On that very day, did you tell him that you would discontinue him as bailiff?—I did; on that very day I sent him a letter, and told him I wished that he might do well, but that he would do no more business for me.

1841. Mr. MacDonagh. What day did you dismiss the bailiff?—I could not tell you the exact day.

1842. Was it the day that he came there?—No; I told him I would that day; I met him on the road going home, and I did not formally dismiss him that day, but I wrote a letter and sent it down to him; he lives a good way from me.

1843. Why did you dismiss him?—Partly for being impertinent and partly for voting for Captain Nolan; he was a man of very bad temper and very violent.

1844. Partly for voting for Captain Nolan, and partly for bad temper?—Yes; I do not know that he did vote for Captain Nolan.

1845. What was the allowance for him as bailiff?—*£*. 15 a year.

1846. From which you dismissed him?—Yes; and he had an underman under him; I think he had 2*l.* or 3*l.*, but I paid him.

1847. Mr. Sergeant Armstrong. I believe that there had been several complaints against him before that?—He was a very hot tempered man and a violent man, and a good many of the tenants disliked him particularly.

1848. Mr. Moodswagh. If he had voted for Captain Trench, how would it have been; you say that you dismissed him partly for voting for Captain Nolan?—I believe he voted for Captain Nolan, but I never looked at the books; and I do not know how he voted.

1849. Did you not say that you dismissed him partly for voting for Captain Nolan?—He used very violent language in the streets of Loughrea, and I was told that he went shouting and yelling from high to low, making himself as conspicuous as possible.

1850. You were displeased with that?—Yes; certainly.

1851. And you dismissed him in consequence?—No, I did not dismiss him in consequence; I had been for some time thinking of dismissing him, but this hurried it.

[The Witness withdrew.]

LADY MARY BURKE, sworn; Examined by Mr. Murphy.

Lady
M. Burke.

1852. Do you recollect being at Marble Hill on Monday, the 4th or 5th of February?—Yes.

1853. I believe Sir Thomas was not quite well on that day, he was suffering from a cold?—Yes.

1854. Had you been aware previous to the day of Sir Thomas's desire to have the tenants come to him on that day?—Yes, fully.

1855. Did you know of a room having been prepared in the house for their reception?—Certainly; I was sitting there with him.

1856. Do you recollect the time when it was announced that some of the tenants had arrived at the village near to Marble Hill?—Yes; they were ordered to come at 12 o'clock, and about 12, the bailiffs came up and told us, or the under-agent, Pat Hayes, told us, that there were some of them on the road, and that he expected more to come later, and that the Rev. Father Calaghee and the Rev. Father Walsh were with them at the chapel about half a mile off.

1857. At the chapel at Ballinakill?—Yes.

1858. Was any answer given to that message, either by you or by Sir Thomas Burke?—No; both the priests were coming up, and Sir Thomas said, just as he told you, that we were very willing to see Father Calaghee, that he was a voter, but that he thought Father Walsh should not be allowed. I asked him not to send that message to Father Walsh, saying that he was not a voter, and that he did not wish to see him; and then Sir Thomas said that he would be happy to see both of them.

1859. Do you remember, then, the tenants coming up?—Yes.

1860. From what property were they?—All the property about the place, and I thought these on Tierney's bailiffry. I heard Sir Thomas say to-day that it was not so, but I feel sure that Tierney's tenants did come up on that day.

1861. Sir Thomas, I believe, did not go out to see the tenants?—No.

1862. Did you come out?—Yes; after two other messages, a third message came in saying that Father Walsh wanted to see Pat Hayes, the under-bailiff. He seemed not much to like going, and it seemed childish to have so many messages, so I said to Sir Thomas, "If you will let me, I will go out at once and hear what they want to say," and he said "Yes," and I went.

1863. To whom did you speak when you went out?—When I went out they were some way down from the hall door, a few steps, and I walked straight up first and shook hands with Father Calaghee, and then I walked up and shook hands with Father Walsh. Then I said, as well as I can remember, quietly, "You come very much upon the courtesy of a priest hunter when you come thus uninvited up to his very hall door." They made me no answer, and then I walked up to Father Walsh and I said, "You sent in for Pat Hayes, will you tell me what you want with him?" and he said, "We want Sir Thomas to come out here." I said, "He will not do so, he wishes to see his own tenants in his house, and he is not well." Then, I think, I said a few more words, and I remember clearly saying to them, "You are afraid of letting those men in to see Sir Thomas."

1864. You said that to the reverend gentlemen

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men who were present?—I said that to the two reverend gentlemen: "You know that Sir Thomas has been a good man, and you know that his tenants love him." I remember these words, "and you are afraid of trusting them in." They answered me with a murmur, I think, as well as I knew, agreeing that Sir Thomas was a good man; and I remember Father Walsh saying, "But he should not—" and I did not hear the end of what it was that Sir Thomas should not.

1865. You heard the broken portion of the sentence?—The beginning, "But he should not."

1866. Do you recollect observing Father Walsh after these observations had passed, moving towards any number of the tenants?—He stood on one side of the rosin, and Father Calaghee stood on the other, much nearer to me, Father Walsh being further away from me. After a little time (I could not tell you when, but after the time I said this about Sir Thomas), one of the men from the crowd where Father Walsh was, began a very small "Hey for Nolan." I guessed it was that; nothing more than that, but the other men did not take it up at all, and it went down. But Father Walsh had nothing that I know to say to it more than that; it proceeded from the man next to him, or the second next to him.

1867. But feeble as you say the cry was, it reached your ears?—It is more, that I felt it, and I am perfectly convinced that that was what was meant; that it was "Hey for Nolan." I heard a little cry of "Hey," a little thing like that (imitating it).

1868. Did you hear afterwards some other movement from the quarter where Father Walsh was?—I think I spoke a few words first myself.

1869. Have you any recollection of those?—Yes; I remember saying, "If it is against any of your consciences to vote for Captain Trench, do not do it. I will not ask you to do it, but surely you can stay at home, and you need not join or give your approval of a party which has so grossly insulted your good landlord." I remember all that distinctly.

1870. Did you hear any words that were used by any of these persons to their breaking up, about going up?—Father Calaghee said to me kindly enough, "Sir Thomas will not come out." I said, "No, he will not;" he said, "Well, we will all go on in together;" I said, "You may all come in together, and as many more protectors as you want." I do not think they answered me much. I think it was more that I spoke myself.

1871. After you made that offer, was there any movement on their part to come into the house at all?—Suddenly one of the tenants, I think as they were moving in (certainly as Father Calaghee, who was near to me seemed about to move in with me), on the other side, either next or second next to Father Walsh, stood deliberately forward (I do not think that I could swear to his face), and said, "There is no use our staying here; we may as well go home, and immediately Father Walsh turned his back, and immediately Father Walsh turned his back without touching his hat, or acknowledging in any way that he was leaving me, and he went off. I turned to Father Calaghee, and said, "Sir Thomas will be annoyed, and perhaps will blame me," and I spoke eagerly to him. "Do pray make him come back to see Sir Thomas," and Father Calaghee ran after them,

wishing to do, I think, as I asked him, but they never came back, and I walked in to Sir Thomas.

1872. Do you recollect the man Tierney, one of the bullies, being there distinctly on that day?—He was there distinctly.

1873. And, as you think, some of the tenants on his portion of the property?—Yes, I think so.

1874. Do you recollect meeting that Par Tierney some day subsequently to that?—After the men had gone away, Sir Thomas and I went out to drive, and we met broken parties of this group going along the road. The first man we spoke to I knew myself, and I asked him why he had not come in; he said, "Why do I know; we must go by our clergy." I said, "Why not judge for yourself?" he said, "What do I know; we must go by our clergy;" that was Martin O'Malley; I asked him no more than to stay at home; he said, "Oh, we must go by our clergy; oh, we cannot judge for ourselves; what do we know about these things." Further on, I think, after that, the next almost that we met was this very Tierney, walking home alone. We stopped and spoke to him; Sir Thomas spoke angrily to him; of course he was hurt at those people coming up to his hall door, and walking off without coming in; this man professed to be very sorry indeed at anything having happened, and particularly at Sir Thomas then saying that he would leave the country.

1875. Did Sir Thomas say to Tierney on this occasion that he would leave the country?—He had never before said it; but he said it on this occasion as a threat, and as the result of the treatment which he had received; then Sir Thomas said to him, "You will leave my service from this day; I will never employ you any more;" but he said afterwards to me—

Mr. Mordaugh objected that this was not evidence.

[Witness.] Tierney clearly promised on that occasion faithfully that whoever wanted him to go he would stay at home from the polling on that day, which promise we heard afterwards that he broke.

1876. Do you recollect meeting either on that day or on any subsequent day a voter named John Nevin?—A few yards further on we met three voters together, and spoke to them also, and one of them stood up to answer us, and he was John Nevin; I asked him why he did not come in to see Sir Thomas, and he simply said, "I was afraid of the clergy." I said to him, "There is the coachman on the car: will you take him as a witness, and will you swear that;" and he said, "No, I will not."

1877. Do you recollect being at church one Sunday with Sir Thomas when some reference was made to the election?—Yes; the day that he has been talking of now.

1878. Did you leave before Sir Thomas left, or did you listen to what he has told us?—I heard when Sir Thomas spoke out loud; I did not wish to stay; he asked me to stay; and then when I thought my two eldest boys were with me, and I thought it was better that they should not see such conversations or such preachings going on in our chapel, and I took them away, more to remove them out of it than myself.

1879. As well as you recollect, what was said on that occasion?—This was Father Calaghee's sermon: he began by doing as Sir Thomas said; he left the altar, disrobed, and came back, stood

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more forward than he would do if he were preaching a sermon, and addressed them more colloquially, and told them that he had to speak on the election; I can only remember one thing which he said, which I thought was not true; he said, "You all know the principles Lord Dunlop stood on; they were Conservative principles; his brothers are the same." He ought not to have said that; it was not true; but, except for that, he spoke very calmly and quietly; then he made the allusion about his having no land in the county; Sir Thomas said that he had, or was going to buy some; and, as I said, I thought it was wrong for young children to have to hear such allusions; I did not think it so very unnatural for Sir Thomas to forget that it was a church, when it seemed to me that others had forgotten it too; but I did not wish the young boys to hear either their father or their priest speaking of politics in a chapel.

1880. You know the church frequented by your father, my Lord Westmarch?—Yes.

1881. Do you know the pew which has been usually occupied by the family?—It is not what you would call a pew; it is a bench, the second bench in the gallery.

1882. Have you yourself seen what has been done to that?—No; I have not been in the chapel since it was done.

Cross-examined by Mr. Macdonald.

1883. I suppose you are aware that Sir Thomas signified to his tenants before this interview on the lawn, the way in which he wished them to vote?—In sending that handbill; not in any other way; I do not think he spoke to one.

1884. I presume that he desired to see them apart from the priests, on that occasion?—He never thought of the priests; he did not expect them to come; he did not invite them.

1885. When they did come did he dislike seeing them in the presence of the priests?—No; it amused him at first, though he was annoyed afterwards.

1886. He said that he had no objection to Father Calagher coming, as he had a vote, but he did not like Father Walsh coming. Did you infer from that that he wished to see the tenants apart from the priests?—I think there are very often double motives in every action, and I think that Sir Thomas was amused by it, and also a little annoyed.

1887. Do you think that he would rather have seen his tenants apart from the Rev. Mr. Walsh? No; I should not say that. He thought it was a wrong thing for Father Walsh to have forced himself there, but I do not think he connected it with seeing the tenants; I do not think that he would have minded it at all.

1888. Do you recollect when you went out saying to the screened gentlemen that they had come for the protection of the tenants?—Oh, no.

1889. Did you use the word "protection"?—No; I said "You are afraid to let the tenants come in to see Sir Thomas."

1890. Did you not make use of the word "protection" in your direct evidence?—Yes; I know how I used it; it was not in that part; I said, "You may bring as many men as you like to protect you."

1891. What did you mean by the word "pro-

tection"?—So many people being afraid to come in to one man.

1892. Do you mean afraid being beaten by him?—I do not know what they were afraid of.

1893. What is the fear of which you think they felt?—Afraid of being able to stand to their own arguments, and afraid of not being able to injure or do wrong to a man who had been kind to them; I mean moral fear.

1894. You say that they were afraid of one man; that man happened to be their landlord. Do you mean that you considered that the tenants would be afraid of their landlord if he saw them apart from the protection of the priests?—Afraid in what way?

1895. First, would you consider them afraid?—What I mean, is a kind of moral fear. You will not stand up and say you were going to do what you think an unfair and unkind and dishonourable action to a man who has never acted so to you.

1896. Do you think it a dishonourable thing for a tenant to act according to his own views?—Not if they were his own views.

1897. Do you think it quite certain that the tenants' own views might not be rather in favour of Captain Nolan, a Catholic and a resident in the county, than in favour of a son of Lord Clancarty?—I could not tell. They were not left to their own views.

1898. You will not be surprised, supposing that you heard nothing about priestly dictation, as a lady of intelligence if you were living out of the county, to hear that Captain Nolan had been returned by the Catholic tenantry of the county of Galway, in preference to a son of Lord Clancarty?—I think they would wish to go with their landlords, if there were nothing offensive to them in the candidate.

1899. I think you said that the first man who made a motion to leave the hall was a tenant?—Certainly.

1900. And then you heard somebody say, "Hey, for Nolan!"?—Yes.

1901. Perhaps he might have been saying, "Hey, for Lady Burke!"?—They might have been admiring you?—I think not.

1902. Afterwards going down the Avenue, you met Tierney, the bailiff, and when Sir Thomas spoke angrily to Tierney, what did Tierney say?—He said how sorry he would be if he did anything to Sir Thomas: how good he had been to him all his life, and how sorry he would be if he left the country.

1903. He made no exhibition of violence?—Certainly not; on the contrary.

1904. I believe Sir Thomas got an additional reason for being vexed with Tierney after that?—Breaking his promise; he promised on that occasion that he would not vote at all, but he would stay away in compliment to Sir Thomas.

1905. He broke that promise?—We heard so; I cannot swear it.

1906. Was it in consequence of his having broken his promise of staying away that Sir Thomas definitely made up his mind to part with him?—Certainly; he told me that if he stayed at home he would not part with him.

1907. But because he broke his promise, and did not stay at home, he dismissed him?—Yes; he said he would not keep a servant who would not keep his word with him.

1908. Sir Thomas Burke was greatly interested during

during the election for Captain Trench, was he not?—Yes, I think he was.

1909. And you yourself, I presume, also?—In connection with Sir Thomas; not apart in any way.

1910. You wished that Sir Thomas should be assisted not alone by the tenants, but by Lady Burke?—And I wished that the side that had spoken as they did of Sir Thomas would not succeed.

1911. Mr. Justice Keogh.] In describing your first conversation on going out from the house, the first thing when you went out from the house, you dropped the word "Priesthunter," and I did not catch exactly how you put it?—I said to the priests, "You depend very much upon the courtesy of a priesthunter." They had called him a priesthunter.

1912. What did you mean by a "priesthunter"?—In some of those public speeches, I had heard that they mentioned it. I think it was the Rev. Father Lavelle said that Sir Thomas was a priesthunter. I said, "You depend very much upon the courtesy of a priesthunter when you come uninvited up to his hall door."

1913. In fact, you were speaking ironically with reference to the preceding observations to which you have referred?—Yes.

MICHAEL HEALY, sworn; Examined by Mr. Perce.

1920. I BELIEVE that you are a sub-constable stationed at Gort in this county?—Yes.

1921. In the month of January last, were you in the chapel on any day at Ardagh?—Not in January, on the 31st December.

1922. What ceremonies officiated on that Sunday?—The Rev. Mr. MacDonough.

1923. Did he make any allusion to the approaching election?—Yes, he did.

1924. Will you state as well as you remember the substance of what he said with reference to the election?—He said that the landlords were entitled to fair rents, and that they had no more claim on the votes of their tenants than they had upon their souls.

1925. Did he make any allusion to Lord Clancarty?—Yes.

1926. What did he say of him?—He said that the honourable Captain Le Poer Trench might be a very good man; he had no doubt that he was, but that the Clancarty family were always proselytisers.

1927. In the month of January of this year, were you at chapel at Gort on several occasions?—Yes.

1928. Do you remember the Rev. Father Considine deliver any address?—I do.

1929. Was it from the altar that he delivered it?—Yes.

1930. Did he make any allusion to the election?—Yes.

1931. Will you tell us the substance of what he said as well as you remember it?—He said "Any renegade Catholic who voted for Trench was a disgrace to his church, his God, and his country, and that they would go to hell." He also read an extract from the Devon Commission to show that the Clancarty family were always the persecutors of their Catholic tenants.

1932. Did he say anything about any black sheep?—He said there were a few black sheep in the parish; he said, "not many thank
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1914. You had heard that Sir Thomas had been called a priesthunter?—Yes.

1915. Mr. Macdonough.] I believe you were the lady who succeeded in inducing Sir Thomas Burke to give a portion of that harvest to Father Walsh?—Yes; I have the whole correspondence in this town, if you would like to see it.

1916. You may give it afterwards if you please. Your counsel will use it.

Mr. Justice Keogh.] Lady Burke has no counsel in this case, she is no party to the case.

1917. Mr. Macdonough.] I beg Lady Burke's pardon. I should have said the counsel for Captain Trench. She is not a candidate for the county of Galway as we know—I should not wish to be.

1918. At some future time when ladies are returned to Parliament, we may have the honour of seeing you as a candidate?—Very well.

1919. What was the reason that Sir Thomas Burke so very quickly after the election wished to have back the house?—Because we heard that Father Walsh had been extremely active in working up Sir Thomas's tenants to go against his wishes and vote for Captain Nolan.

[The Witness withdrew.

God." He said that the black sheep were going into the adjoining parish to bribe the voters with Trench's gold." That is all I heard.

Cross-examined by Mr. Macdonough.

1933. Where were you stationed at that time?—In the town of Lort.

1934. Who is the resident magistrate there?—Mr. Thomas W. French.

1935. Were you desired to listen to what was said by any of the clergy?—I was not; not by any one.

1936. Is the Rev. Mr. Macdonough a curate?—I believe he is the parish priest.

1937. It appears that he spoke in a mild way, not very excitedly?—He always speaks very mildly; he is a very first-class speaker.

1938. I am very happy to hear that he appears to have spoken like a gentleman, quietly and mildly, and used no harsh language; was not that the fact?—Yes, there was harsh language used; that which I have described.

1939. It was no harm to say that the landlords were entitled to their rents; that was fair and right and just, was it not?—Very fair.

1940. Surely you do not mean to say that the landlords have claims upon the votes of their tenants?—I am not going to give an opinion.

1941. Did he not say that young Mr. Trench might be, and he was sure that he was, a good man?—He did.

1942. That was not speaking in an improper manner; do you not think that that was a very fair mode of speech?—It was towards the representative, but not towards the faith.

1943. I suppose that you are a strong Catholic, are you?—Well, I dare say I am as good as any other man in this court.

1944. I am very happy to hear it; but the objection which he had to the family of Clancarty

at 3

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was

M. Healy. was that they had been proselytisers; is that not so?—Yes.

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Mr. Sergeant Armstrong. And persecutors of their Catholic tenantry.

Mr. Macdonagh. That was Mr. Considine.

1945. (To the *Witness*.) Will you venture to swear that the Rev. Mr. McDonough used such expression as that, I will read it for you; was not what Mr. McDonough said, that "The landlords were entitled to fair rents, and that they had no more claim upon the votes of their tenants than upon their souls?"—Yes.

1946. That young Mr. French might be, and was he believed, a good man, but that the family were always proselytisers?—Yes.

1947. That was all he said?—That was all he said.

1948. It was the Rev. Mr. Considine who you say, upon a subsequent occasion, read from the *Devon Commission*?—Yes.

1949. Had he a printed paper in his hand?—It appeared to me to be a newspaper which he had in his hand.

1950. Are you perfectly sure that it was, or was it one of those blue books?—I am perfectly sure that it was not a blue book, it was a newspaper; there was no blue upon it.

1951. *Mr. Justice Ayles.* Was it like that (*holding up a blue book*)?—No, my Lord, it was not like that at all. I was lent the paper myself that evening, and the man told me that he got it from the Rev. Father Considine.

1952. Who lent it to you?—A man of the name of Michael Gill.

1953. Have you it?—No; I gave it back.

1954. And I suppose that this was an extract from the *Devon Commission*?—Yes.

1955. It was published in a newspaper, and then in inverted commas was given as an extract?—It was Father Lavelle who made the speech on that day.

1956. And then Father Lavelle, in the course of his speech, quoted the *Devon Commission*?—Yes, and that is what the Rev. Father Considine quoted too.

1957. Now may I ask you how near were you to the Rev. Father Considine when you heard this?—I was in the gallery. Father Considine was at the altar.

1958. And he had his vestments on?—Yes.

1959. You are sure of that?—Of course when he was officiating.

1960. But he was not officiating then?—He was.

1961. He was officiating when he was speaking to the people?—No, he read that after the preaching to the people.

1962. You forget; I thought you were as good a Catholic as anybody in the court?—So I am; I always stick to my colours, and never desert them.

1963. When was it?—I cannot fix upon the date, but it was a few Sundays before the election.

1964. But that is not of importance; at what period of the service was it?—It was at the time that the priests usually speak.

1965. At the time they usually admonish their flocks?—Yes.

1966. At the time you have always heard them speak to the people when they are giving them advice, or anything of the sort?—Yes.

1967. Did you take any notes of that?—No, I did not; I paid pretty good attention.

1968. You know it appears to me that you have a bad memory, if you could not remember a moment ago the period of the service when the priest was speaking; have you a good memory?—I have.

1969. You said that the clergyman had his vestments on; was it during the mass, or any portion of it?—It was.

1970. At what period?—Before the last Gospel.

Re-examined by *Mr. Petras*.

1971. Was that newspaper which was lent to you the "*Tusam News*"?—I think it was, but I am not quite sure.

1972. Had it a report of Father Lavelle's speech?—Yes.

1973. The speech that he delivered at Gort?—No, at Longhore.

1974. And this Gill, do you know him?—Perfectly well.

1975. Do you know that at the recent election he was one of Captain Nolan's agents?—I could not say that he was an agent; I only heard it; I could not swear it.

[The Witness withdrew.]

After an Adjournment,

Mr. PETER BLAKE, sworn; Examined by *Mr. Sergeant Armstrong*.

Mr. P. Blake. 1976. I BELIEVE you are a magistrate of the county?—I am.

1977. I presume you know Mr. Sebastian Nolan?—I do.

1978. Are you able to say whether he was accompanying his brother through the county on his canvass, and acting with him?—Yes, I saw him several times.

1979. Do you recollect seeing him on the 4th of November last, in Tusam; about that time?—I travelled with him in the train to Tusam on a Saturday. I do not know whether it was before.

1980. But early in November?—Early in November.

1981. At that time I presume the canvass of the county was going forward?—Yes.

1982. Did Mr. Sebastian Nolan make any statement as to the preparations which his brother had made, or was about to make?—We had a good deal of conversation about the coming election.

1983. What did he say about the arrangements which his brother had made?—He told me that his brother and himself, I think, had the arrangements nearly complete for the country.

1984. Did he say anything as to the arrangements which they had made?—Yes, that they had two of the best agents in every parish all over the county, the parish priest and the curate.

1985. Did he refer to any bishop?—Yes, and the bishops, and as they had all the bishops now that Dr. Duggan was appointed bishop of a district, they were not very ———.

1986. Ho

1886. He had been nominated?—He was just appointed.

1887. Did he say anything as to how the priests would operate with reference to the people?—He did; he told me that the bishops, or the priests, would speak a few Sundays before the election to their flocks, and that he was sure that he should have a thousand majority, and that they would all vote whatever way the priests told them; something in that way.

1888. Did he speak of any other influences of a rougher character even than the priests; the mob?—He told me something about having the mobs here and there, and that it would be very hard to go against all that.

1889. Did he speak of any agitators that were to be imported from the street?—I asked him, I think, who would propose his brother, and I think he said Dr. MacHale; and then he said he would have Mr. Butt and Sir John Gray, and Sullivan, and so on, to speak, and I advised him not to have all those fellows. I thought that it would do more harm than good. He asked me, I think, when I was going to vote for, and I told him D'Arcy; that I had promised Mr. D'Arcy.

1890. Mr. D'Arcy had not retired at that time?—He had not.

1891. Do you know Pat Barrett, the father of Peter Barrett?—I do.

1892. Was your adhesion to Mr. D'Arcy known in the country; was it known that you were a supporter, or would be a supporter of his, if he had stood?—I do not know; I told Mr. Sebastian Nolan that.

1893. Did you support Captain Trench at the election afterwards?—I did.

1894. Was it known that you were about to be a supporter of his after Mr. D'Arcy retired?—I suppose it was.

1895. You made no secret of it. You are a magistrate of the county?—I am.

1896. Did Pat Barrett ever boot you?—He did. I came down from Dublin some few months before the election, and on my arrival there the police told me not to go out of the train for a while; that the mob was there, and Barrett was greatly excited. When he saw me and Mr. Comin he began to "Heigh for Comin, John Comin," and the sergeant of police told me not to go out, and I stayed for a while. I did not know then for whom I was going to vote this time. The sergeant said that he had plenty of men there to protect me. I said, "Very well." Mrs. Blake was going into the carriage, and he told us not to go out for a while, and after she went into the carriage, I said, "Face your men against the mob, and arrest any man whom you see throwing dirt, or throwing stones." They did no harm, but they shouted "Dirty Trench," and they began to boot us in that way.

1897. Was Pat Barrett at the head of it?—Yes, he was at the head of the whole party.

1898. How many policemen were there?—Fourteen or 15.

1899. But for the protection afforded by the police, was it a dangerous mob headed by Pat Barrett?—I think that if there had been any one to oppose them it would have been dangerous; all that they wanted was some one to fight with.

1900. Had you before that seen Captain Nolan in conversation with Pat Barrett?—About a fortnight before I went to Dublin I saw Captain Nolan shake hands with Pat Barrett on coming

out of the train; I do not know which put out his hand first, and the three walked down the road together; I was coming into Galway.

1901. That is, Captain Nolan, Sebastian Nolan, and Pat Barrett?—Yes, the two brothers and Barrett; that was before he booted me; a fortnight before, I think.

1902. Was it at Tunn that you voted?—Yes.

1903. Will you state what occurred with reference to your proceedings at Tunn, and all you witnessed there on the polling-day?—I went in by train to Tunn; I met several of the voters going in by the train, Captain Blakeney, and Captain McGill, and John Richards, and Mr. Trench; on our arrival Mr. Charles Blake, and a stipendiary magistrate, Mr. Hill, told us that it would not be safe for us to go up the town to the court-house, and that if we did they would not be answerable for our lives, and Mr. Hill said that he would give us an escort to come up through the fields. We were a little while standing there to see what was best to be done; we all thought it better to go quietly, and Mr. Hill said that he would put the police under my charge while we were going up.

1904. As a magistrate?—Yes; and we went up to the court-house quietly across the fields.

1905. You could not go safely by the Queen's highway?—We did not go that way; we were cautioned not to go.

1906. About what was the distance by the highway?—A quarter of a mile.

1907. And you had to go round, I presume, by the fields?—Yes, we had to go across two fields from Mr. Seymour's place, and into the court-house.

1908. Was there an excited mob in the town?—There was.

1909. Did you see priests there?—I did.

1910. And the mob?—I saw priests, and Barrett and the mob, all coming up.

1911. Did you see any emblems, sashes, or ribbons?—I did.

1912. What did you see in that respect on the polling-day?—I saw laurel leaves; and I saw one priest in particular; he had a very large broad sash, and ribbons round his hat, and they had them in every other place in which they could stick them; they had bows; and there was a gentleman with them whose name I did not know till afterwards; I asked who he was.

1913. Who was he?—He was a Mr. Doonan, from Dunmore; he was particular; he wore a large fur coat.

1914. Had they any flags or banners?—They had; they had one large one between two poles, and the cars going in drove under it, and the priests walked before it; and there was a band at one time coming up.

1915. What tune did they play?—I did not mind the tune.

1916. What were the devices on the banners?—There was a harp without a Crown on it, and a green flag, and "Vote for Nolan;" and "Galway" was on it.

1917. Was "God and Ireland" on it?—Yes, on one side; that was on another flag. There was one with a bishop's devices on it, with a mitre on the flag; another man carried that.

1918. Do you recollect any motto, "God and Galway"?—Yes, "Vote for God and Galway;" I think that that was one.

1919. In some order of proceedings there were

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"Nolan," "God," and "Galway," on the flags, according to the arrangements of the ecclesiastics?—Yes.

2020. Was the court-house quiet, as you proceeded to vote?—There was a crowd, but they were quiet.

2021. I suppose that there was a strong guard?—They were outside.

2022. Were you asked by any people in that crowd for whom you were going to vote?—No.

2023. Describe any aid which you got?—When we got into the court-house we were all standing there; we could not get up to the table, as it was so crowded.

2024. Who were crowding the table which prevented you?—There were priests and people on this table, that even the policemen would hardly let us get up, until Mr. Higgins asked me if we wanted to go in to vote, and I said "Yes," and he said "We will make plenty of room for you."

2025. That is Mr. Higgins, the attorney, my respected friend?—Yes.

2026. And it was with his help that you got up?—Yes; a place was made for us at once.

2027. Did your inconvenience of getting on the table yield at once to Mr. Higgins's protection of you?—Yes.

2028. Were you a good while trying to get up before you succeeded?—I think about 10 minutes.

2029. And as soon as he interfered a way was made for you at once?—Yes.

2030. Did you hear any of the priests upon the table say anything to the voters about how they were going to vote; about religion?—I forget now whether I heard them say that at that time.

2031. Did you hear them say it at any time?—No, I was told it, and I do not think it right to say what I was told.

2032. After you had voted, do you recollect seeing the Reverend Father O'Brien, the parish priest of Glen?—I did.

2033. Just after you had voted?—Yes.

2034. Did he address you?—He did.

2035. What did he say?—He came up and said "Heigh for Peter Blake;" he was a parish priest in the lower part of the county.

2036. He is not your parish priest?—He is the parish priest of one place in which I am interested. He said "Heigh for Peter Blake; there will not be a hair of your head disturbed; nothing will be done to you;" and that gave me great pluck at the time.

2037. Did he say anything else?—He did.

2038. What did he say?—He said that they were all renegade Catholics, who would be excommunicated.

2039. Did you stay aside even after that; had you the courage to go down the town?—No.

2040. Had you business there?—I had.

2041. Were you afraid to go down?—I was, when I saw the excited state of the people; all that they wanted was to get some people to fight with them.

2042. How did you get away from the town?—I went back by the train. I got away through the fields. We had the military through the fields.

2043. Did you, as a magistrate of the county, and a man of firmness, think those measures

necessary to be taken for your personal safety?—I did, from what I heard.

2044. And from what you saw yourself?—Yes. They were quieter after we went in; that they were about 4 o'clock, or 3 o'clock; they were, I suppose, getting a little excited. I suppose that they began to drink.

Cross-examined by Mr. MacDonnet.

2045. I suppose that you have been at fairs and markets?—Very often.

2046. And you know that when people are excited, or take a little drink in the course of the day, an Irish mob usually have a tendency to noise?—They have.

2047. And I suppose you have seen previous contested elections in Galway, as well as in other places?—I have seen them in Tann.

2048. I believe Tann was never a quiet place at an election?—I thought the last one was rather a quieter one than the one before.

2049. Was not Tann the only polling place in the county where there were scenes like what you have described?—I can only speak of what I was.

2050. What is your opinion about the polling places in the county generally; do you not know that there was a universal quiet at all the polling places except at Tann?—I have heard that there was; that they were much quieter than at the former election.

2051. At the time that Pat Barrett was on the platform, you said that Captain Nolan and his brother immediately afterwards got out of the train; you do not mean to suggest that Captain Nolan or his brother had anything to do with the noise which Pat Barrett was making when your family were leaving, do you?—I do not understand that question.

2052. My learned friend, Mr. Serjeant Armstrong, asked you whether Captain Nolan and his brother did not get out of the train immediately after you left the platform?—It was a month before that.

2053. At the time when you got into your carriage this mob was not violent?—They were afraid.

2054. That is your opinion of them?—There were so many police there, or they would have been violent. Barrett insulted us every time that we passed, and every other person who passed; every night and every hour that the train came there he came with his mob.

2055. But in point of fact no violence was offered to you?—No, and he never mentioned my own name, only "Dirty Trench."

2056. He did not say anything relative to you, or to your family?—I consider it impertinent to me.

2057. Why?—Because I was going to vote for Captain Trench; what motive had he to say it to me? He was very polite to those who he knew would vote on the other side.

2058. Do you yourself hold it to be an impertinence to yourself, or to your family, because you intended to vote for Captain Trench, that Pat Barrett said "Dirty Trench"?—Yes.

2059. With respect to the conversation which you had with Sebastian Nolan, was it a private conversation?—We were talking about the election. I did not consider it a private one.

2060. Was any one present except yourselves?—I am not certain whether Mr. Kirwan of Bliswell was present on that day, or not.

2061. He

2051. He said that the bishops would assist them?—He did, and that as they had Dr. Duggan they were safe.

2052. When he said that he had his arrangements made, did you understand him to mean that the parish priest and the curate were employed by him as his agents in the ordinary sense of an agent?—Yes; I think that he told me that they were not paid agents, or something of that kind, but that they had them to arrange; that he had the two best agents in each parish all over the county.

2053. Did you ask him whether he had arrangements made?—No; he was very anxious to let me know his arrangements.

2054. We have to examine Mr. Nolan upon this matter, and I wish to have no mistake; do you not believe that what in effect he said was this: that, as a reason why it was not necessary for him to have an expensive staff of agents, the parish priest and the curate in every parish would of themselves give them every assistance in their power; is not that what he conveyed to you?—That is not what he said at all.

2055. Did he convey that to you?—I considered that he had his arrangements made in that way, that they were to act for him.

2056. Do you know what is meant by an election agent?—

Mr. Justice Keogh.] If he does, I can tell you that I believe he is a wiser man than any barrister in Ireland.

Mr. MacDermot.] I am glad that your Lordship has not included the judges.

Mr. Justice Keogh.] The judges are barristers too. It happens to be one of the most difficult questions of the law which has ever been known.

2057. Mr. MacDermot (to the *Witness*.) Have you an idea of what is meant by an election agent?—I suppose a man who will act for him.

2058. Supposing, for example, a number of the clergy made up their minds to do everything which they could to promote the return of a particular candidate of their choice, would you consider that if they went round trying to get votes, or otherwise to assist the candidate, they would be agents of that gentleman?—I would not; I should consider that they would be supporters.

2059. Do you think that Mr. Nolan meant something more than supporters when he said that they were agents?—Yes; he told me so. He said that they had two of the best agents in every parish all over the county.

2060. Have you ever heard it said before this election, that the best agents in the world were the clergy from their numbers, in the sense of supporters?—You could not get two better agents in any parish.

2061. I understood that you were a supporter of Mr. D'Arcy's?—I was.

2062. Were not there many of the clergy for Mr. D'Arcy also?—I do not know; he asked me to support him, and I said that I would.

2063. Do you not know that a great number of clergymen were also assisting him?—I heard of it.

2064. Was Mr. D'Arcy in the field at the time of the conversation with Mr. Nolan?—He was. Mr. D'Arcy did not resign until nearly the polling day, and I saw Mr. D'Arcy afterwards. I do not know whether I told him about these
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agents or not, but I told him that he should come to the poll, and he promised me that he would.

2065. Did not Mr. D'Arcy tell you that he had a great number of priests on his side?—He did.

2066. You say that Sebastian Nolan told you that he had the best agents in the world in every parish in the county?—He did.

2067. What became of all the priests in every parish; I know that you are not a renegade Catholic?—I am not.

2068. You say that Mr. D'Arcy told you that he had a number of priests; when Sebastian Nolan said to you that he had the two best agents in every parish, did you say to him, "You are very wrong; Mr. D'Arcy has a great many of the priests"?—I might have said it to him; I was giving him a bit of advice; I thought that he was going too far.

2069. You did tell him that Mr. D'Arcy had some of the priests?—Yes.

2070. You meant as supporters?—Yes.

2071. Were not you talking of priests at the time as supporters?—I do not know; I do not know that some of them had votes.

2072. You have stated that you said to him, "You are going too far; you are wrong, for Mr. D'Arcy has a great number of priests;" in the sense that they were supporters of Mr. D'Arcy?—Yes; and he said that they would not go with Mr. D'Arcy.

2073. Were not you treating the priests as supporters, and not as ordinary election agents?—I treated them as agents; and Mr. D'Arcy said that he had some of the priests on his side.

2074. Do you not think that Mr. Nolan was treating his priests in the sense of supporters?—I think that he told it to me in the way of boasting.

2075. Mr. Justice Keogh.] Are you a Roman Catholic?—I am not; I am a Protestant.

Mr. MacDermot.] Mr. Sergeant Armstrong was pressing you about the difficulty which you had in going up to vote.

Mr. Sergeant Armstrong.] I did not press him at all; I asked him the question legally.

2076. Mr. MacDermot.] There may be legal as well as illegal pressure by a mob, and by a barrister. (To the *Witness*.) You said that you wished to vote very quickly?—Yes, we wished to get out.

2077. There was a great crowd there?—Yes, we could hardly stand.

2078. And the police were obstructing you?—There were policemen there; I thought that it was very irregularly kept for a polling booth.

2079. The arrangements you think were badly made?—Yes.

2080. Do you mean to say that you were prevented, or delayed in voting, by the agents of Captain Nolan, on account of the vote which you were going to give?—We were not prevented by anyone, except the crowd; we were trying to push our way up, and the police said, "You cannot get up, there are a crowd of fellows here in your way;" and I said, "Why do not you make them go on the road?"

2081. You mean by the crowd blocking the way?—Yes.

2082. You do not mean that they prevented
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your going to vote?—No, and Mr. Higgins cleared the way for me, and according as we voted the fellows on the bench all hissed and

hooted at us; the mob was on the bench when the sheriff ought to be.

[The Witness withdrew.]

Mr. JAMES CROUGHWELL, sworn; Examined by Mr. Murphy.

Mr. J.
Croughwell.

2093. Are you a tenant of Lord Clancarty's?—I am.

2094. Kilchrist, I believe, is your parish?—Yes.

2095. Father Green is the parish priest of that parish?—Yes.

2096. Do you recollect being at first mass on the 21st of January last?—I was at first mass.

2097. Did you hear Father Green make any allusion to the coming election?—I did.

2098. Will you tell us what he said, as well as you recollect it?—He said, with reference to the election, that he would like to have the names of the people who would vote for him for Captain Nolan, and that he excluded Lord Clancarty's own tenants, but that any other person who would vote for Trench he would not say mass for in his house during his life.

2099. Were his vestments on at the time that he said this?—It was immediately after communion, and I think the vestments were on; the communion was over.

2100. Was it before the last Gospel?—Yes, I think it was.

2101. Did he leave the altar and go to any other part of the church before the congregation went out?—He did when mass was over, he went to the door; there was a collection at the door.

2102. Did you hear him speak to any people at the door about their votes?—Yes, he spoke to one or two going out; we were all passing out at the time; he asked one man if he would vote with him, and the man said that he would not be against him; and I think that he said that that would not do, or something similar to that; he asked another man, and he said that he would be with him; I was passing off and did not hear any more; I was passing down from the chapel, and I went on home.

2103. Did you hear him on any Sunday after that make any allusion to the election?—I do not recollect that I did.

2104. Were you at the same church the next Sunday?—I was, but I could not say whether I was at first mass on next Sunday.

2105. Did Father Green himself officiate the next Sunday?—He always officiates.

Cross-examined by Mr. Macdonagh.

2106. I suppose you voted with your landlord?—I did.

2107. And so did the other tenants of Lord Clancarty?—They did.

2108. Is Father Green an elderly gentleman; he is not here, so I am told?—I suppose that he is about 60; I could not say.

2109. He did not at all attempt to interfere with the tenants of Lord Clancarty in any way?—No.

2110. Did he say that he thought it best right that they should vote for the young gentleman, the son of Lord Clancarty?—No.

2111. Was that what he conveyed?—He did not say that; he said that he would exclude all

Lord Clancarty's tenants as the landlord's son was going for it.

2112. It was to the other voters that he spoke?—Yes.

2113. And he said that he would not say mass in one of those gentlemen's houses as long as he lived, which he supposed might not be long?—That is what he said.

2114. He said, "My life may not be very long"?—He said that it might not be very long.

2115. Does the priest stand at the door of the chapel on Sunday making a collection?—He mostly stands with the person who is holding the box, and as people are passing out.

2116. Was it there that he spoke to these men that you speak of?—Yes, as they were passing out; we were all passing out at the time.

2117. You know, as a Roman Catholic, that it is not the bounden duty of a priest to say mass in a private house, unless as a favour?—I believe it is.

2118. You believe that it is his duty?—No; I believe that it is not, unless a person is unwell, or unless a person is sick.

2119. I believe you know that even when a person is ill, it is not the bounden duty of the priest to say mass in the house?—I do not know it well, but I have heard of those things, both private confessions and one thing and another.

2120. I should think that the sacrifice of the mass is a great point of consolation on those occasions?—I could not say.

2121. Did you happen to see Captain Nolan?—Captain Nolan came and asked me for my vote; that was the first time that I saw him.

2122. When he learnt that you were a tenant of Lord Clancarty's, did he not say that he could not think of pressing you?—I think he did.

2123. So do I?—He said that it was only fair that I should give my vote for Lord Clancarty; he said that if Captain Trench resigned, I might promise him my vote; I said that I did not know whether there might be some one else. He said that he did not think that Captain Trench would resign; that he had no right to believe it.

2124. How far were you from the clergymen, the Reverend Mr. Green, when he made use of those observations which you have mentioned?—About five or six yards.

2125. When did you first tell the circumstances of your having heard those observations?—I believe that I told it when I went home to my mother and sister, something in that way.

2126. Are you sure that you did?—I am.

2127. Did you ever mention it afterwards?—I did; I mentioned it privately.

2128. Are you married?—Indeed I am not.

Re-examined by Mr. Murphy.

2129. Do you know it to be frequent in your own parish that mass is said at the houses of different farmers where stations are held?—Frequently.

2130. When

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2130. When stations are held through the parish, how frequent are they, is it once a month, or how often?—I think twice a year.

2131. On these occasions is the same house always selected, or are the houses of different farmers selected?—He has given two in a year at one house, but I think that he changes. He would have a station at a village at one house, one time, and the next time at another house.

2132. If it was announced that he would not hold a station at any particular place, and would not say mass at any particular place, would it be looked on as a disgrace to the inhabitants of that house?—It would. It would not look well, I believe; it would look bad, I think.

The Witness withdrew; but was re-called, and further cross-examined by Mr. MacDonagh.

2133. Do not be frightened?—I never was a bit afraid.

2134. Marriage is the only thing you detest?—I do not know that.

2135. Do you not know that that same priest has held stations in the very houses of the persons who declined to vote for Captain Nolan?—Since the election?

2136. Yes?—I do not know. I know nothing about it.

2137. You will not know anything about it?—I do not know it of my own knowledge.

2138. Did not you hear it?—Do not go any further.

2139. Mr. Murphy.] Tell me what you heard about it; did you hear of his refusing to do it?—I did not hear of his refusing at all to give a station at any house.

2140. What did you hear about it?—I heard, in private conversation with a man, that he thought that he passed by his house; but that is no proof that he refused.

2141. But you heard a man remarking that he was elighted in some way?—A man said that he thought that he went round, and did not come to his house and hold a station.

2142. Mr. MacDonagh.] Who was that man?—John Barrett, of Clonsmeal.

2143. Mr. Murphy.] Had he voted for Captain Trench?—He told me that he did.

2144. Mr. MacDonagh.] Is not John Barrett living in the town?—He is not.

2145. Where does he live?—In our own parish.

2146. And not in the town?—He has a shop in the town, but he lives in the parish of Kilchrist.

2147. Is he not living in the house where the shop is?—No.

2148. Are you sure?—Yes; he has a farm, and he goes backwards and forwards.

[The Witness withdrew.

MICHAEL KELLY, sworn; Examined by Mr. Perce.

2149. I BELIEVE you live at Clonsmeal?—Yes.

2150. Did you attend at Father Green's chapel in the month of January last?—I did.

2151. Did you hear Father Green speaking about the election?—I heard him say something about it. I was very far back in the chapel.

2152. Did you hear what he was saying?—I did.

2153. Did he say anything about the voters who were going to vote for Trench?—I did not hear him say anything, only that he would not say mass in any person's house who were going to vote for Trench, excepting Lord Clonsmeal's own tenants.

Cross-examined by Mr. MacDonagh.

2154. Have you a very good memory?—I have not.

2155. Are you quite sure that he did not say this—that a man would be guilty of a wrong if he voted against his conscience?—To my recollection, I did not.

2156. Did you hear him say anything about people voting against their conscience?—I did.

2157. On your oath, was not what he said, that no man who would vote against his conscience would be entitled to have mass said in his house?—No; I do not know that that was it.

2158. Tell me the very words that he used?—What I understood was that he did not want any man to vote against his conscience.

2159. What did he say about reading mass, or not reading mass. Tell me exactly the words which he used?—I could not exactly tell you. To the best of my belief he said, that he would not say mass in any person's house who would vote for Trench, excepting the Clonsmeal tenants.

2160. Did he say that he would not say mass in the house of a man who would vote against his conscience?—I do not know; I was far back in the chapel.

2161. Did you tell Mr. Concanen about what you had to prove?—I did not, because I was far back in the chapel, and could not hear.

2162. How did Mr. Concanen find out that you were able to give evidence in this case?—I do not know.

2163. Were you chatting with Mr. Concanen?—I was.

2164. When were you chatting with Mr. Concanen?—When I came in here.

2165. Before that were you?—No.

Re-examined by Mr. Serjeant Armstrong.

2166. I believe it was yesterday that you were summoned?—No.

2167. Was yesterday the first day that you were here?—No.

2168. Was it the day before?—Yes.

[The Witness withdrew.

PATRICK CRAWLEY, SWORE; Examined by Mr. Sergeant Armstrong.

P. Crawley.

5 April
1872.

2169. I BELIEVE that you were in the parish of Croughwell?—Yes.

2170. Who was the clergyman there?—There were two; Father Arthur was the parish priest, and Father Quin was the curate.

2171. Did you attend that chapel on any of the Sundays in January last?—Well, I did. I was a Sunday absent from mass.

2172. Which Sunday was that?—I could not say; I did not fix it.

2173. Can you tell me whether it was the first Sunday in the month, or the last?—I could not.

2174. Is that the chapel which Mr. John Blake attends?—Mr. Blake attends it; I do not know what his name is.

2175. Is that the chapel which the young Mr. Davis attends?—Yes.

2176. Do you know Mr. Thomas Davis?—I do.

2177. And Mr. Edward Davis?—I do not know their names.

2178. Do you know the two young gentlemen, the handsome young men who were examined here?—I only know one of them.

2179. I was talking of Mr. Blake, of Longhwa, the magistrate; is that the chapel which he attends?—Yes.

2180. Were you at chapel on the 21st of January last?—I cannot say the day.

2181. Were you in chapel on any day when the Reverend Bartholomew Quin spoke from the altar about the election, or about voting?—I was.

2182. Did you hear him mention the name of Treach?—I cannot say.

2183. Did you hear him mention something about the election?—I did.

2184. Did you hear him say anything about Catholics?—I could not say.

2185. Did you hear him say anything about renegades?—The word "renegade" was used.

2186. By whom?—By Father Quin.

2187. Put the word "renegade" in its proper place, and put the rest of the sentence to it, as well as you can?—I could not.

2188. Who used the word "renegade"?—Father Quin.

2189. What was he talking about?—I think it was about the election.

2190. About whom was he talking when he said "renegade"?—I could not exactly say.

2191. I could not expect you to say exactly. In these matters we must be satisfied with the general substance. You see the distinction?—I know it well.

2192. Give me the tenour of it.—

2193. Mr. Macdonagh. If you recollect it?—I cannot recollect it.

2194. Mr. Sergeant Armstrong. Was "renegade" applied to Catholics?—I do not know that it was.

2195. Was it applied to Catholics who would vote for Treach?—I believe that that was the substance, but I cannot know it.

2196. You cannot give the accurate words?—I cannot.

2197. I hope that you never had small-pox?—I had.

2198. I congratulate you on having no traces of it left behind?—I thank God for that.

2199. I hope that you have not had fever?—I have had the fever.

2200. I hope you have not had cholera morbus, and you do not like typhus fever in the abstract?—No.

2201. Nor small-pox?—No.

2202. Did you hear anything said about fever or small-pox by Father Quin?—I cannot say; there was a shuffling among the people, and I could not hear what was said; I heard afterwards.

Mr. Macdonagh. Do not tell us what you heard afterwards.

2203. Mr. Sergeant Armstrong. No, except you heard it from a voter; was it a voter from whom you heard it?—No.

2204. Were the people talking about it?—They did not tell me; it was talked of; there were people talking of it.

2205. Were the voters talking of it?—No; I could not say that there was a voter talking of it.

2206. Where did you hear it?—In conversation.

2207. Was it the next time that you were courting that you heard it?—I am married.

2208. Are you quite certain that you did not hear the priest mentioning typhus fever or small-pox?—I am almost sure that I did not hear it.

2209. Did you hear him mention either?—I cannot say that I did.

2210. Did you hear him say anything about people who had given, or were promising to give, their support to Treach, and that if they did not retract and repent, he would denounce them the next Sunday?—I never heard so; I never heard him say that he would denounce any person.

2211. Not denounce, but read them out?—No.

2212. You say that there was a shuffling when some words were used?—Yes.

2213. Was there a little excitement among the people then?—I do not know that there was; it was just after people were rising off their knees; there was a shuffling. Our seat is back from the altar, and I could not say what was said.

2214. It was part of the service, was it?—It was before the last Gospel?—I cannot say.

2215. Do you recollect?—No.

2216. Are you nervous?—I am.

2217. Were you on your knees at the time?—No.

2218. Where was your wife?—Beside me.

2219. What made you all begin to shuffle, if nothing remarkable was said?—I did not shuffle, but the people did.

2220. Was there a general shuffling?—There was a motion up towards the altar to catch the words which were used; I saw a step.

2221. As if they were pressing forward to hear well?—Exactly.

2222. Then, whatever was said, the people appeared to press forward and listen?—Yes, in that way.

2223. Was it after that that you heard the substance as to the renegade Catholics?—I do not know.

2224. But about that time?—I did not know what was connected with "renegade," but I heard the word "renegade."

2225. At

2235. At that time?—I do not know that it was at that time.

2236. Was it about the same time?—It may not have been the same Sunday that I know.

2237. Then you were there twice when the same language was used?—I was there almost every Sunday; I was only absent, I think, once.

2238. There were two occasions on which some reference was made to the election?—No, I do not know that there were.

2239. Were you ever talking to a voter at all about what occurred there?—I could not say.

2240. Are you a voter yourself?—I do not know.

2241. You do not take any great interest in politics?—Not the slightest interest.

MICHAEL MISVOEN, Sworn; Examined by Mr. Murphy.

2237. Do you know the parish Catholic Church of Mount Shannon?—I do.

2238. Do you recollect being there the Sunday before the election?—I do.

2239. Was Father Horan officiating there?—He was.

2240. Did he say anything with reference to the election?—He did.

2241. Tell us, as well as you can recollect, what he said?—He told the voters to assemble after mass that they might arrange about cars to go on the day of the election; he called upon the voters to assemble after mass to arrange about going by the cars together.

2242. Well?—I do not know whether they did or not.

2243. I am not asking you whether they did or not, but tell me what further you recollect to have been said?—He requested them to do the same as they had done in other places, like at Tipperary, where they had returned a convict.

2244. Did he tell them for whom they should vote?—He did.

2245. For whom did he say?—For Captain Nolan.

2246. Did he read out any names from the altar?—He called the names of the voters that were to go.

2247. Did he tell them where they were to meet him?—He said that a car would come for them.

GEORGE MACDONNELL, Sworn; Examined by Mr. Power.

2257. Do you know the Reverend Father Horan?—I do.

2258. Were you at the funeral of Father Horan's mother?—I was.

2259. When was it?—In the month of January.

2260. Do you know the Reverend Father O'Mara?—I do.

2261. Will you tell us what he said to you on that occasion with reference to the election?—He walked out, and laid his hands on my breast, and told me, "Do not dare to vote for the man who hanged the woman, you that need not do it," I said that he did not know who I was going to vote for at all.

2262. For whom did you vote at the election?—I did not vote for anybody.

2263. Has anything been done to you since; have you experienced any annoyance?—I have.

2264. What has been done to you?—I was at

2232. You did not vote yourself?—No.

2233. You did not care who got in?—Not a penny; not between the two gentlemen who were contesting it.

2234. You did not vote for either?—No; I should not if the county of Galway was going to be contested to-morrow.

2235. You take no interest in the matter?—Not the slightest; I should if Mr. D'Arcy was going on, but he did not go on.

2236. You would not vote for either of these gentlemen?—No.

[The Witness withdrew.

2248. Where did he say they were to meet him?—That he had cars ready at his own place, and would send them for them.

2249. Do you recollect whether he said anything as to the people who would not say that they would vote for Nolan; what he called them, and what they would be?—He said that they would be looked upon as renegades; that is the word, I think.

Cross-examined by Mr. MacDonagh.

2250. I suppose that you know about the Tipperary election?—I did not know about it.

2251. You heard of it?—I heard Father Horan say that; I knew nothing more of it.

2252. Did you ever hear of their having returned O'Donovan Rossa?—I knew that.

2253. Did not Father Horan convey that they should exercise their own free will, as the electors of Tipperary had thought fit to do, even in returning a convict?—Yes.

2254. He did not liken the respectable gentleman, Captain Nolan, to a convict?—I do not know that he did.

2255. But he pointed out to them that they should do as the men of Tipperary had done?—I believe so.

2256. That is what you understood?—I believe so.

[The Witness withdrew.

the parish chapel at a marriage, and I was going back out of it, and only for the curate of the chapel my head might have been broken; he went with me to my own house.

2265. Since that, have you experienced any further annoyance; were you ever shouted at, or annoyed in that manner?—Nothing more than that they abused at me, and asked me who paid for the care for Trench, and I said that whoever hired them paid for them; the curate came down with me to my own house.

Cross-examined by Mr. MacDonagh.

2266. Who was your landlord?—My uncle, William Scanlon.

2267. What did you understand the reverend gentleman to mean by saying, "You that need not do it"?—Because he meant that it might vote for whoever I pleased.

I 3

2268. He

P. Crossby.
—
5 April
1872.

M. Minion.
—

G. MacDonagh.
—

G. 2266. He meant that you were quite free?—
Macdonnell. Yes.
 2267. That you were not like other tenants,
 but had friends who would leave you free?—I
 1872. considered it so, no doubt.
 2270. Were you employed in any way for
 Captain Trench?—I was.
 2271. What did you do for him?—I promised
 to hire cars for him.
 2272. Did you hire cars for him?—No, I sent
 but one car.
 2273. Were you paid for your services?—No,
 I was paid upon my subpoena.
 2274. For coming here?—Yes.
 2275. Were you paid for employing the car?
 —I was not.

2276. You are to be paid for it?—I suppose
 so, but it does not matter whether I am or not.
 2277. As a matter of fact, did you receive any
 injury?—No.
 2278. Some people said "Bah" to you; is did
 not hurt your feelings?—Not much; of course, I
 would sooner not be "bahd" for anything.
 2279. Which do you value most; do you not
 value the price of the car a little more than you
 dislike the "Bah"?—I do not.
 2280. Still you accepted the employment?—
 At the time when I promised Captain Trench I
 did not know what result would follow.

[The Witness withdrew.]

Constable EDWARD HATDON, sworn; Examined by Mr. Sergeant Armstrong.

Constable 2281. WERE you stationed at Gurtymadden
E. Hatdon. in January last?—I was.
 2282. I believe the Rev. Mr. Bodkin is one of
 the clergy there?—He is.
 2283. Were you in the habit of attending
 mass?—Yes.
 2284. Do you recollect his addressing the
 people from the altar about the election?—I do.
 2285. Could you fix the day?—I could not.
 2286. Was it in January or about that time?
 —I think so.
 2287. Tell us what he said so fully and ac-
 curately as you can; in the first place, did he speak
 upon more than one Sunday?—Yes, I believe he
 did.
 2288. Then begin with the beginning and tell
 us what he said on the first Sunday?—I really
 could not tell; I took no account of the dates.
 2289. Tell us in any way you can?—He said
 that he was told that the voters of this parish
 were going to turn against him, and that he
 hoped they would not bring disgrace upon him
 and upon the parish by so doing. He also said
 that there were some of them connected with
 the priests themselves, and he said that they
 wanted them to put down the priests.
 2290. Did he say whether the priests would
 be put down or not?—I do not remember.
 2291. Did he say anything about a meeting
 that was going to take place at Loughrea?—Yes,
 he did, he said he hoped the electors and non-
 electors would attend at the meeting at Loughrea.
 2292. Did he say on whose behalf it was to be
 held?—On behalf of Captain Nolan.
 2293. On the Sunday after the election were
 you at mass?—I was.
 2294. Did he make any reference to any class
 of people who had voted or not voted?—He did.
 2295. What did he say?—He said that there
 were a few cowards who did not vote at all, and
 he said he hoped that they were despised by the
 opposite party as well as by us, or words to that
 effect.
 2296. With reference to those addresses of his,
 was it after mass or during mass, before the last
 gospel?—As well as I can recollect, it was before
 the last gospel.
 2297. Were they crowded congregations?—
 The usual congregation.
 2298. I will take it for granted that there
 were large congregations in all these churches.
 Cross-examined by Mr. Macdonnell.
 2299. You have very properly stated, that be-
 cause you did not take notes, you cannot give

that gentleman full information of what you
 heard; that is what you mean to convey?—Just
 what I heard.

2300. How far were you from the clergyman
 when he was speaking on that first occasion?—I
 should think that there were two seats between
 me and the railing of the altar, and I sat in the
 third. I could not define the distance; I could
 not recollect the distance at present.

2301. He said that the people had relations
 or connections among the priests themselves, and
 that the others were going to put down the
 priests?—Yes.

2302. Was not what he said this; that they
 were excluding the priests from all interference
 in the election, and not minding them, and that
 that was the way they were going to put them
 down?—I do not know what was his idea of how
 they were to be put down, but those were the
 words he used.

2303. That is a very fair answer; I will try
 and make the words intelligible to you by the
 context?—What I mean to say in answer to you
 is, that of course I did not know his mind, or
 what his intentions were, but his words were as
 I have stated.

2304. Did he say anything to this effect: that
 the landlords wished to have the return in their
 own power, and that they were putting down the
 priests altogether, ignoring them, did he say
 that?—I believe that was the way the putting
 down of the priests came on. I believe so.

2305. That is the true way to know the man's
 meaning; to look at the whole context of what
 he said, and not to give an isolated word?—As
 I stated to Mr. Sergeant Armstrong, not having
 taken notes of it, I, of course, do not remember
 everything he said.

2306. But now I ask you as a fair man?—Cer-
 tainly.

2307. Recollecting the sanction under which
 you are speaking, was not that the way in which
 it occurred that he was describing the bad way
 in which the priests had been treated?—I believe
 that was the way in which it came out about
 putting down the priests; he spoke about the
 landlords, as well as I can recollect.

2308. Irrespectively altogether of the priests,
 do you remember his using those expressions;
 that the landlords in some instances through their
 halliffs were forcing the people to vote against
 their consciences as Catholics?—Well, really,
 sir, he may have used the word, but I am not
 prepared to swear it.

2309. I am

2309. I am quite sure you would say if you remembered it?—I would, positively.

Re-examined by Mr. Serjeant Armstrong.

2310. What did he say about the landlords?—As I remember, that they were taking the

matter in their own hands, and that they had had a meeting at Loughrea.

2311. He alluded to the meeting at Loughrea?—Yes.

[The Witness withdrew.

PATRICK KINNEEN, sworn; Examined by Mr. Murphy.

2312. Is Ballindereen the place where you go to your mass?—Yes.

2313. Who is your landlord?—Mr. St. George.
2314. Had you promised to vote in accordance with your landlord's wish?—He asked me to vote, and I said I did not think that my name was on the list of voters; he said it was; and I said I would vote for him.

2315. Do you recollect being at mass any Sunday after you had so promised Mr. St. George?—That very Sunday.

2316. The same Sunday?—The same Sunday. It was outside the chapel, after we had come out from mass, that he asked me.

2317. Was anything done to you?—I was struck.

2318. Do you know who struck you?—I do. I caught him by the throat after striking me.

2319. What did he strike you with?—With his fist; he said I was a Trench's man; after Mr. St. George's going out, "Here is a Trench's man," he said, and he struck me with the fist on the head.

2320. Was this man who struck you coming out of chapel?—It was shortly after coming out of chapel; we were in a house, a public-house.

2321. It was shortly after coming out of mass?—Yes; it was shortly after coming out of mass.

2322. Did Father Fahy say anything on that Sunday in reference to the election?—He spoke of the election.

2323. Did he say anything as to the persons who would vote for Trench?—He called on the voters to be prepared to vote for Nolan; that they should not vote for Trench on that Sunday.

2324. Was that all that he said on that Sunday?—He spoke at great length about the meeting in Loughrea of the gentlemen.

2325. What did he say about the gentlemen holding a meeting at Loughrea?—He said they met for the purpose of putting down clerical influence in the county, and that they would not have it put down; that they would let them see that they would not let them put them down.

2326. Did he say anything further than that on that Sunday?—I do not recollect that he said anything else on that Sunday.

2327. Did you hear him on another Sunday alluding to the election?—I did on the Sunday after that.

2328. Was he at the altar when he was speaking?—He was.

2329. What did he say about the people who would vote for Trench?—He referred to what happened the Sunday before that, and said—

2330. What was it that happened, that he referred to?—About Mr. St. George coming there to ask us to vote, because Mr. St. George was at Ballindereen after the people came out of chapel.

2331. What did he say about Mr. St. George for coming there?—He said that he was something better than a fool or something of that.

2332. What more did he say then about it?—He referred something more to his family and to his mother; and Mr. Blake was there and listened to Mr. St. George.

2333. Then he referred to some members of

his family; was it in terms of praise or the opposite, complimentary to them or the opposite?—He was not praising them.

2334. Was he abusing them?—He was.

2335. Did he say anything about the Catholics who would vote for Trench?—He said that no Catholic should vote for Trench, and that any Catholic who did vote for him would be a traitor and a renegade.

2336. Did he say anything about the offspring of such Catholics?—Well, he referred to their offspring.

2337. What did he say of them?—He said that they would be branded hereafter wherever they went.

2338. Did you hear him tell the voters to go to any place?—I did.

2339. Where did he ask them to go to?—Into the sacristy after mass.

2340. Did he say for what purpose he wanted them to go into the sacristy?—He said that he wanted to speak to them.

2341. Did they go in there after that?—They did.

2342. Did you go in?—Not on that Sunday I did not.

2343. When you had promised Mr. McGeorge on the previous Sunday had he ever said any thing more to you than what you have told us in asking for your vote.

2344. You gave it to him as a good landlord, I suppose?—He asked me who I would vote for, and I told him I heard my name was not on the list of voters this time, and he said it was, and he said "you voted the last election against the wishes of my father," and he says, "I hope you are not going to do the same now with me." I said "I had reason at that time, because Mr. Gregory did a good action for me before that; I was very glad," said he, "you voted for Mr. Gregory, I know what he did for you; I hope you are not going to do so now." "No," said I, "if my name is on the list, I will vote for you."

2345. At the time that Father Fahy was speaking in this way had he his vestments on?—He had.

2346. Did you hear him speak any more than on the two Sundays?—I did on three or four Sundays.

2347. What did he say on the other occasions, the third Sunday?—Much in the same way; the Sunday before the polling he called them into the sacristy again; I was in the sacristy on that day.

2348. Did he say for what purpose he wanted them there?—He told them that he wanted them to be back at his house on Tuesday morning at six o'clock, and that he had cars engaged for them to convey them to Galway. Then some of the neighbouring voters (in the village I live in there were, I believe, seven or eight voters) complained that it would be inconvenient for them to come back to Ballindereen, because it was three miles, and they said they would come another way, and he told them that in that case he would take cars and pay for them; I was in the sacristy talking to a friend of mine, and they asked me would I give them a car, and Father Fahy

Concubine
E. Hayden.
5 April
1872.

P. Kinneen.

P. Kincaid. Fahy said he would pay for the car; they said one car would not bring them, and he referred to the list, and he told me to get another car, and I got two cars.

2349. He told you that he would pay for them?—He did.

2350. Did he, on that Sunday before the election, say anything about the persons who would vote for French?—Just the same as he said before.

2351. Did he repeat what he said before about the ronegale Catholics?—He told them that they should not vote for French. They all promised him, and signed their names down.

2352. And he repeated the same as he said before?—Much the same.

2353. About them and their offspring?—Much the same.

Cross-examined by Mr. Macdonald.

2354. You say that Mr. St. George came to the chapel; Mr. St. George, of course, is not a member of the Catholic Church?—I did not say that he came to the chapel; but about 100 yards from the chapel.

2355. Is he the landlord or the son of the landlord?—The son of the landlord.

2356. You know him very well, I suppose?—I do.

2357. And he was outside the chapel gate to see the voters?—About 100 yards off there is a public-house; there are four roads, I saw him coming out of the public-house as I came from the chapel.

2358. Were you in the public-house on that occasion?—I was in the evening.

2359. Were you in the public-house at the time when he asked you for your vote?—I was.

2360. Was it in the public-house that he asked you?—It was.

2361. What did you mean by telling me that you were in the public-house in the evening?—I was after I came out of Mass.

2362. Had you a drop of drink at the time?—Not at the time; there was drink afterwards.

2363. Who gave the drink?—Mr. St. George gave a lot of drink.

2364. Gave you drink?—Yes.

2365. To whom else did he give drink?—Every one who wished to take it.

2366. Did he give it to voters and non-voters?—To voters and non-voters.

2367. Did he have any himself?—He had.

2368. What had he, whiskey?—Brandy.

2369. Had he much water to spoil it?—I do not know.

2370. Had he any whiskey?—He put about two gallons of whiskey, I think, out on the road.

2371. Was this immediately after Mass?—Shortly after Mass.

2372. Was it before or after he had whiskey taken that you got the blow you spoke of?—After.

2373. After the whiskey was taken?—Yes.

2374. Had the man who gave you the blow taken any whiskey at the time?—I cannot swear to that; I think they all had whiskey.

2375. So you got this blow and he seized you by the throat, will you just give me, as I would like to know, some of the gentlemen who were drinking brandy and whiskey with you, the names of some of the voters who were drinking brandy and whiskey with you there?—When I came out of the chapel—

2376. Will you give the names first?—I saw Michael Lenzah.

2377. Who else?—And I saw Bart Sheehan, Joseph Pannan; there was a good many more.

2378. Tell me some more voters?—I will not swear whether Thomas Stoney was inside in the room or not.

2379. Tell me some more voters; try and recollect some more of them?—I cannot, the house was full of voters and non-voters.

2380. How many altogether do you say were there?—I think that there were five or six voters inside the room to my own knowledge.

2381. Were they all tenants of Mr. St. George?—Some of them were, and some not.

2382. Whose tenants were those who were not Mr. St. George's tenants?—They were tenants of Mr. Blake, of Crumagh Ballymore.

2383. And Mr. St. George gave them drink also?—He gave drink to every one who was willing to drink it.

2384. Had he whiskey himself, as well as brandy?—I did not see any whiskey with him; I saw him giving whiskey out on the road.

2385. How long did you continue drinking?—I was not long there.

2386. Were you an hour?—I was, and two hours.

2387. Had any whiskey been taken before you promised your vote?—No, I had none at all at that time; I will tell you how it was. Mr. St. George made a speech outside on the road; he spoke to his tenants, and I did not stand on the road; I went into this house, and I got into the room of the public house, and I sat on the table near the window. I was looking out of the window listening to Mr. St. George; I thought it would not be fair for me to stand outside from what we did not wish; I think it was the opinion of all the voters that they should not vote for Mr. French from what we heard.

2388. You did not wish to vote for French?—From what we heard from the priest, some of them remained outside listening to Mr. St. George, and I went inside this public-house, and sat on the table in the room, and there was another boy and two girls, friends of mine, with me, and we sat down. I had no drink. When Mr. St. George had done speaking he came into the room where I was, and he said, "Kiss me, did you hear all that?" "I did, sir," says I.

"Well, I did not say anything but the truth," says he. I said, "That is an old story which we heard about Captain Nolan 12 months ago."

"That is all," said I, "that is to be said." "De-ge, I said nothing but the truth," said he. "Is there any man to make a speech for Nolan?"

There was a Galway boy there, and I heard he was going to make a speech for Nolan, and we thought we would hear him, but nobody spoke.

Mr. St. George turned out again, and he ordered some drink out on the road. The drink went out. I did not go out, and the drink was taken by little boys, young and old. They were shouting, "Hey for Nolan," and taking the drink.

2389. Did you go out then?—I did not go out. I was inside in the room.

2390. You stopped inside?—I stopped inside.

2391. Were you drinking all that time?—No; there was no drink inside at that time. I think that there were two gallons of whiskey sent out on to the road, and a barrel of porter. Then Mr. St. George came into the room where I was, and took a bottle of brandy, and took a drop, and he asked me would I have a drop, and I said, "Yes," and he sat down, and immediately the people crowded in. They were placed everywhere about, and they sat down in the room.

room. I was the next person to him, and he asked me, and he said, "Now, there is an election coming, and it is my father's wish that you would all vote for Captain Trench; I think he is the best man;" and I said I heard my name was not on the list of voters this time. "It is," says he. Says he, "you voted against my father before." Says I, "If I voted against your father before, I will not go against you now."

2392. When he began speaking for Captain Trench, you did not wish to be a party at the meeting, and you came into the room, and then he got the brandy, and you got a share of it; did you not know that you were a voter at the time you came in?—I was under the impression that I was not.

2393. Why did you come in off the road; you said that you and some other voters went in?—I did not say that.

2394. Why did you go in?—I said I went in. I did not like to stand upon the road.

2395. Why?—Because of what I heard the priest say from the altar, that it was not fit for us to listen to what he was saying.

2396. Did the priest know that Mr. St. George was coming there to make a speech?—I do not know whether he did or not.

2397. Did the other voters come into the house also?—Some of them came in.

2398. Did they get some brandy as well as you?—They did.

2399. Did he also speak to them about their votes?—He spoke to all who were there at dinner.

2400. You said that he spoke to you first?—Yes.

2401. And whom did he speak to next?—He stood up and spoke to them; he was after speaking on the road at that time.

2402. You said that he spoke to you first inside; who was the second that he spoke to?—I saw him go to Michael Lennan, and speak to him.

2403. What did Michael Lennan say to him?—I could not say what the answer was, because he was a few yards from me.

2404. Did Michael Lennan tell you afterwards whether he promised him or not?—He did not.

2405. Did you ask Michael Lennan whether he promised to vote for Captain Trench?—I did not.

2406. To whom did he speak next?—He stood up them in the room, and then he spoke to them all, of course.

2407. You say that there were some of Mr. Blake's voters there also; did you see him speaking to them?—I did not; not personally speaking to them.

2408. Did he not address them?—He addressed all that were in the room together.

2409. What did he say about Captain Nolan urging them to vote against him?—He said he was a bad handled, and that he was a very cruel exterminator; that he had turned out a great many tenants.

2410. You told us about the whisky that was given on the occasion, and I am sure it was given and drunk in a very genial spirit; was anything said by Mr. St. George at the time about a lease?—I did not hear it.

2411. Are you sure now?—I did not hear a word mentioned of a lease, or any document.

2412. Did you see Mr. St. George after that mixed up in the election for Captain Trench in that neighbourhood?—I saw him here the day of the polling.

2413.—I.

2413. On the day of the polling, did you see him very active?—No, I saw him standing there (*pointing to a place in the court.*)

2414. But in his own country, before he came to Galway, did you see him?—I did not.

2415. Did you hear of his shooting any animal?—I did.

2416. What was that?—I heard that he shot a horse.

2417. Whose horse did he shoot?—Mr. Lambert's horse, I heard.

2418. Why did he shoot Mr. Lambert's horse?—I have no idea; nothing but what I heard.

2419. What did you hear?—I heard that Mr. Lambert's wife, that is, William St. George's sister, came home that night; that she was treated badly by Mr. Lambert somehow.

Mr. Justice Keogh.] What has this to do with an election?

Mr. Sergeant Armstrong.] It cannot have any possible bearing. I appeal to my learned friend's own sense of propriety.

Mr. Justice Keogh.] It is very wrong to introduce such matters as these.

2420. Mr. MacDermot (to the Witness.) Did you hear of his shooting any horse in connection with this election?—I did not hear that he shot a horse in connection with the election; but I heard he shot his brother-in-law's horse.

Mr. Justice Keogh.] Is that a thing which ought to be brought out?

Mr. MacDermot.] It is not, my Lord.

Mr. Murphy.] The horse had not a vote.

Mr. Justice Keogh.] We ought to have no family matters here. A little inquiry would render that unnecessary.

2421. Mr. MacDermot (to the Witness.) Did you hear him say that he would shoot the priest?—I did not.

2422. On the next Sunday when the priest was speaking from the altar with regard to Mr. St. George, did not the priest censure the fact of drink being had and given upon the road, and at that public-house upon the Sunday immediately after the Mass?—He spoke of Mr. St. George coming there.

2423. And giving drink?—He may have spoken about the drink. I will not swear that he did.

2424. Will you swear that the priest did not censure it in the strongest terms?—He censured Mr. St. George's conduct in the strongest terms.

2425. Coming there immediately after Mass and giving them drink?—Yes, he said that.

Re-examined by Mr. Murphy.

2426. Has Mr. St. George ever been liberal before this in giving drink?—Sure there is not a place where he goes where he does not give drink. I often saw him give drink before.

2427. On this occasion whatever was given, was there any distinction whatever made between voters and non-voters?—No, not a bit, it was the non-voters drank the most, I think, and children; they were not 10 years of age.

2428. Mr. Justice Keogh.] Did you vote?—No, I was not on the list.

[The Witness withdrew.]

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—
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ANDREW MANNION, sworn; Examined by Mr. Peres.

A. Mannion. 2429. WHERE do you live?—At Gortanalin, near Dunmore.

5 April 1872. 2430. Were you employed for Captain Trench on the last election?—No.

2431. Were you doing anything for him?—I promised him that I would.

2432. I believe you are a sort of horse doctor, are you not?—Yes.

2433. Look at this document (*handing a paper to the Witness*); did you receive that?—Yes.

2434. Through the post?—Yes.

2435. That bears the Tann post-mark of the 31st January; this is the letter:—"Notice to you, Mr. Andrew Mannion, about you being going all through the country enticing every man who has a vote to give it to Capt. Trench. You have told them that the landlords are sure to be there masters and not clergy; also, you denied your religion. Take care that we won't give you much time to geld these horses for them. It was better for you to save your life than to go against the county; also, you said that you could take William Griffith through the town of Dunmore, and that you would cheer him in spite of Father Lefcus. Will William Griffith walk with you from Tumm, or from Glan, or Miltown, or from any other part of the country that you are traveling, you will be operated with a few pills; did you think that Captain Trench could always be at your back; also, you made them believe that the clergy was against Captain Nolan at the last election, al-

ways telling them to follow their master. O! Captain Trench may find you a situation. We will soon give you a situation. We are sorry to lose a penny stamp by you, you dam turn coat; if we can, we will belie your son in Tumm. There is many an eye after you. What have you for your undermining; you have the ears of the people. We marked you talking to the great Capt. trench at Tumm; mind yourself.—Andy."

Cross-examined by Mr. Meadeburgh.

2436. Did you say that you promised Captain Trench to vote for him?—I said I had no vote, but to do as much as I could for him.

2437. But did you not say when you were here before, that you promised to vote for him?—No.

2438. Then you were not employed as an agent for him?—No.

2439. You were not?—No.

2440. Did you promise to be an agent of his?—To Captain Trench? I did not, but I told him anything I could do for him, I would do for him.

2441. Did you do anything for him?—I did not much.

2442. Did you go and apply to any voters for him?—I did not, but I asked them for whom they were voting, and they said for Captain Nolan, and I resigned them.

[The Witness withdrew.]

PATRICK GEOGHEGAN, sworn; Examined by Mr. Sergeant Armstrong.

P. 2443. ARE you a Roman Catholic?—I am.

Geoghegan. 2444. Are you in any way in Archdeacon Butson's employment?—I have for the last eight or nine years been acting as bailiff.

2445. Has he any tenants?—He has a property of 600 acres.

2446. Are there any voters on it?—Yes.

2447. Was he a supporter of Captain Trench as far as you could understand?—I have got his letter ordering me to go round among his tenants, and that it was a request and wish for them to give him their votes to have the Honourable Captain Trench supported; those were the words which he mentioned in his letter to me?—Did you do so?—I did so.

2448. Did you afterwards receive this letter (*handing a letter to the Witness*): 7th January 1872; "Geoghegan, Sir, if you vote for Trench, or support him, you shall suffer, or entice the Crana people to do so"; is that the name of his estate?—Yes.

2449. "If you show your face at fair or market after siding the descendants of the Aughrim drumer, you or the minister butson will be kindly thanked, or else rewarded, so go round and restore what you have done, and tell the Crana people to vote for Captain Nolan, Catholic," you got that through the post?—I did.

Cross-examined by Mr. MacDermot.

2451. Have you that letter from Archdeacon Butson of which you spoke?—I have not it with

me; he only wrote to me giving instructions to go round his tenants.

2452. What did you do with the letter?—I have it at home with me; I may have it, or I may not.

2453. Did you give it to anybody to read?—I went among his tenants and stated it.

2454. Did you give it to anybody except his tenants?—No, how could that be?

2455. I do not know how it could be; is that letter in your house now?—It may, and may not be; I am not sure.

2456. How far do you live from here?—I live 14 miles from this.

2457. Do you think that you would be able to get that letter?—Indeed I am not sure.

2458. Did you make any search for it?—Perhaps I would if I were at home.

2459. Did you make any search for it before you came here?—No, not the least.

2460. You think that you might find it if you had the opportunity of searching?—Perhaps so, if I required it, I know nothing about it.

Mr. MacDermot stated that he wished to have the letter.

2461. Mr. Justice Keogh (to the Witness). Search for the letter, and if you find it, bring it here?—I will.

2462. How far are you from this?—Fourteen miles.

2463. In what direction is the Butson property?—It

—It lies within three miles of the Gort Cressa property.

2464. You have a railway to Gort, you can go there and search your house and see if you have the letter and bring it here?—Yes, my Lord.

Mr. Serjeant *Armitage*.] We will have that done?

[The Witness withdrew.

Mr. HENRY TORRENS GRAHAM, sworn; Examined by Mr. *Murphy*.

2465. You reside in Dublin?—I do.

2466. Do you know the Rev. Mr. Arthur parish priest in this country?—I do.

2467. What is his parish?—Crughwell.

2468. He holds some land, I think, under you, does he not?—No; he has a place that I had.

2469. I believe that it is held under the Marquis of Clanricarde, is it not?—Yes.

2470. Look at that letter (*handing a letter to the Witness*), dated the 2nd of January; did you receive that from the Rev. Mr. Arthur?—I did.

2471. There is a portion of it, the commencement, which my learned friends will see, but it has not much to do with the case; it has reference to some legal proceedings between the Marquis of Clanricarde and yourself, and Mr. Arthur.

Mr. Justice *Keogh*.] Read any part of the letter, and hand it over to the other side.

2472. Mr. *Murphy*.] He says at the close of it, "I send a list of voters for the barony of Dunkellin. The fact is, that as this unfortunate election has taken a religious turn, and that any voting for Captain Trench is given against the bishops and priests of the county, the person recording his vote for Mr. Trench will be in danger, and, too, as a contest between Mr. Gladstone and Disraeli. As one of your sincerest well-wishers, it would not be prudent or safe to your tenants to ask them to vote for Captain Trench. The old Clare election of '88 will pale before the Galway one. Wishing most heartily to you and amiable family," and so forth. Was it underlined in that way when you got it, or has it been done since?—I cannot recollect, but I think not.

2473. Was it so when you received it?—I cannot recollect; indeed, I do not recollect whether it was so or not.

2474. It may have been before it left your own possession?—

Mr. Justice *Keogh* asked to see the letter.—(*The letter was handed to his Lordship.*)

2475. Mr. *Murphy* (*to the Witness*).] Are you connected with some families in Galway?—I am.

2476. With more than one?—All my people, the *Persees*.

2477. You are related to the *Persees*, and to others?—Yes.

Cross-examined by Mr. *Macdowall*.

2478. Are you a solicitor by profession?—Yes.

2479-80. Was the rev. gentleman who wrote to you an intimate friend of yours?—I have the pleasure of knowing him.

2481.—I

Mr. Justice *Keogh* (*to the Witness*).] Go to-morrow by rail, and bring back the letter here, and as soon as you bring it back, let Mr. Higgins know that you have it.

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2481. He addresses you as "My dear Mr. Graham"?—Surely. I was down in the country in the summer of 1870, at Ballymore, and then I had the pleasure of meeting Father Arthur there, and seeing him very frequently.

2482. You met him in society, I suppose?—No, I met him very frequently when I was at Ballymore in that summer.

2483. Was he a client of yours?—No, he is mixed up with me in the same action. I disposed of my interest in Ballymore to Father Arthur and Lord Clanricarde was not pleased with that, and he began proceedings against me, and Father Arthur was mixed up in the ejectment with me for I was served with notice to quit as a yearly tenant and when the six months expired, the ejectment was brought for the December sessions, and I defended it, and Father Arthur also, as being in possession of the place, and the matter came on in December, and we went into our case and I succeeded.

2484. Did you, the day after this, receive a letter from Father Arthur begging you to consider the former letter private and confidential?—Certainly I did.

2485. Have you that letter?—I have it in my pocket. The moment I got the letter, I sent it to Captain Trench, Captain Trench wrote to me a few days before, telling me that Mr. *Persee* had spoken about me, and he knew my interest. In the letter he mentioned that he understood that Father Arthur would not interfere with the election.

Mr. Justice *Keogh*.] You had better confine yourself to the questions, and produce the letter that you are asked for.

2486. Mr. *Macdowall* (*to the Witness*).] Will you be good enough to take this in your hand (*handing a letter to the Witness*) and read every line of it, I cannot understand the case without, and then we will read the other letter?—"Ballymore, Crughwell, 2nd January 1872. My dear Mr. Graham,—Nothing has yet transpired as to any further moves to be made by or to the *adversaries*; the only vote given to the contrary was by Conway; he knew I was away in Gort at the great monster meeting. We pelted through Ballymore, and seeing two old trees thrown down, he cautioned my man not to remove them, adding, we were not yet out of the wood. If he came again he will get his answer. Being ordered to be in Gort, of course I had to go, and at the station here I met Captain Noland and Father Laville. They had heard at Athenry of our case, and the latter was to have pitched into the marquis at the meeting. But I begged, as a personal favour, not to do so; that such would be most painful to you and to myself. Although pressed by many to allude to the first priest hunt, he, Father Laville, declined alluding to the matter. The suit won't, in my opinion, be brought

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any further, nor any more annoyance given to you. All I have to say, if you or children ever wish to spend any time in Ballymore, there will be a thousand welcomes. I wrote to Mr. Henry Perse, Galway, that he, or any of the name, as being relatives of yours, may command whatever was required at Ballymore. With great pleasure I paid to-day the public cess and poor-rates for Ballymore. I send the list of voters for the barony of Dunkellin. The fact is that as this unfortunate election has taken a religious turn, and that any voting for Captain Trench is given against the bishops and priests of the county, the person recording his vote for Mr. Trench will be in danger." I will explain that.

2487. Mr. Justice Keogh.] You must not make any comments upon it, but only read it?—"And too as a contest between Mr. Gladstone and Disraeli. As one of your sincerest well-wishers, it would not be prudent or safe to your tenant to ask them to vote for Captain Trench. The old Clare election of '28 will pale before the Galway one. Wishing most heartily to you and amiable family very many happy returns of the new year."

Mr. Macdonogh.] Now take the second letter, and do not make a single comment, or, perhaps, Father Arthur himself will read it, if you cannot.

The Rev. Mr. Arthur.] This is dated the 3rd of January: "My dear Mr. Graham (private). Although I did not mark 'private and confidential' in my note to you last night, I do hope such will be so considered. What I did state is what seems, from the universal excitement, to be so stated. The contest is not now locked upon as between the two captains, but one for Gladstone and Disraeli, and to resent the insult given by Sir Thomas Burke at Loughrea to the bishops and the priests of the county. Therefore every Catholic elector finds himself in a very trying position.—Yours, ever truly."

Mr. Sergeant Armstrong.] It is fair to say that Mr. Graham never gave that last letter to Mr. Concanan, or that we knew anything of it until this moment.

2488. Mr. Macdonogh.] I am quite sure that was so. (To the Witness.) Did you receive that letter?—Yes.

2489. And you had then in your possession the first letter?—Certainly not.

2490. What became of it?—I sent it off the post I had it to Captain Trench to London, in consequence of his having written to me in the first instance, on the 24th December, that Father Arthur, who had the house at Ballymore, he thought, would not interfere in the election; and I told him to use any influence with Mr. Gregory to speak to Father Arthur about it.

2491. Have you that letter which you received from Captain Trench?—Certainly I have that letter.

2492. Have you the letter in which you transmitted the Reverend Mr. Arthur's letter?—No.

2493. Upon your receiving from Mr. Arthur the latter letter, "Though I had not marked the former 'private,' I request you to consider it private and confidential," did you reply to Mr. Arthur, telling him that you could not treat it so?—No, I think not.

2494. You did not tell him, "I cannot now; I have put it beyond my reach"?—No.

2495. You did not tell him that you had written to Captain Trench?—I think not.

2496. And you left him under whatever impression might be upon his mind, after he had written you that second letter and received no reply?—Well, I think so.

2497. Be good enough now to read for me the letter of Captain Trench to you and your letter to him?—I have no copy of my letter to him.

2498. You will probably be good enough to produce his letter to you?—"Garbally, Ballinacloe, December 20th, 1871. Dear Sir,—You have probably heard that we are on the eve of an election in this county; I fear, a contested one. I have been personally canvassing the county for the last three months, and have succeeded to a very great extent in uniting the moderate-minded of all parties and creeds in support of my candidature, which is on independent principles. The feeling of the county was pretty well shown at the recent meeting at Loughrea, where, though the invitations to attend it were distributed without bias, my opponents found but very few supporters. You may possibly have heard more about my principles in detail from Burton Perse than I can in a short letter confine to paper; suffice it to say, that they are the moderate and common-sense nature as opposed to the extreme if not subversive views of the other party. I hope you will be good enough to give me your support; and if you do so, let your tenants know your wishes, for their protection, as they will be worked upon to the utmost by that wonderful organisation, the R. C. clergy, which has adopted Captain Nolan as their candidate. Father Arthur, who lives at present in your house, will not, I think, interfere; but it is nevertheless well to leave no stone unturned. Trusting that I may have the benefit of your support, believe me, dear sir, yours faithfully, W. Le Poer Trench."

2499. Mr. Macdonogh.] Was it in consequence of that letter that you thought fit to forward the letter of this gentleman, Mr. Arthur?—Certainly.

2500. Instantly by post?—Certainly.

2501. And you would be able to procure from your copy-book of letters a copy of the letter which you wrote?—No.

2502. We must serve a notice. Then you will be good enough to try to procure the original.

Mr. Murphy.] You have been told already that if it is in the possession of Mr. Trench you will have it here.

Mr. Sergeant Armstrong.] We do not wish to have the appearance of suppressing anything.

2503. Mr. Macdonogh (to the Witness.) How many voters have you?—Eight, I think.

2504. In which parishes or places?—Two in Crughwell, and the others in the parish of Ardagh, which is not Father Arthur's parish.

2505. Had you any further communication at all with Father Arthur after that touching this subject?—I returned him the list which he kindly gave me. He sent it up to me, I took the names of the voters in the district, I could not get it at Loughrea the day I was there, and he kindly lent me the list he had.

2506. And

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2506. And you returned it to him?—Certainly.

2507. Did you return it by letter?—Certainly.

2508. Have you a copy of that letter?—No.

2509. I shall prove that we have not got it; will you tell me what was the date of that letter?—I cannot quite tell you the date.

2510. How many days after was it?—Two or three days, I took a copy of the list and returned it.

2511. What did you say in your letter sending him the list?—I returned him the list, and was much obliged to him, or something of that kind; it was complimentary.

2512. But not one word about telling him that you had sent this letter to Captain Trench?—No.

2513. Now about his requesting it to be deemed private?—There was no such thing in the letter; as I told you before, I would not have parted with the letter had I received the second letter.

2514. Did you, after you received the second letter, write to Captain Trench to say, "It is quite plain that the Rev. Mr. Arthur intended this as a private communication from one friend to another, and I beg you not to make public the letter which I sent you"?—No.

2515. Although you now tell me that upon your conscience and feeling as a gentleman, had you received the second letter before you parted with the first, you would not have parted with it?—I had done the evil; I had sent it off.

2516. But people can repair an evil?—I did not do it.

Re-Examined by Mr. Murphy.

2517. I suppose you were ready to give any support you could to Captain Trench?—Certainly.

2518. In Captain Trench's letter to you, he mentioned that the Rev. Mr. Arthur would not interfere, he thought, with the tenants of the place in question?—Yes; and I did not think that Father Arthur would have interfered in the election at all.

2519. Did you look upon that as an inducement for your interference with them; did you look upon the fact that Father Arthur would not interfere himself actively, as an inducement why you might interfere on Captain Trench's behalf?—I wrote to the tenants to beg that they would vote for Captain Trench, and said those were my wishes.

2520. When you got Father Arthur's letter did it appear to you from it that the tenant would be in danger if they did not vote in the way he suggested?—No; nothing further took place as regards that until I went out to try to bring them up to the poll.

2521. You sent forward that letter on the night you mention, immediately after receiving it, to Captain Trench?—I did.

2522. At the time you sent it forward of course you knew nothing about a petition?—Oh, no; it was before the election.

[The Witness withdrew.

Mr. Serjeant Armstrong stated, that the clergymen subpoenaed as witnesses would not be required until a reasonable hour on Monday, and possibly not until Tuesday; but that in the meantime it must be understood, that the case for the petition would proceed just as if they were present.

Mr. Macdonogh said that that amounted to nothing; because in the absence of the absence of clergymen who were subpoenaed witnesses might be examined as to matters in which the reverend gentlemen were themselves concerned.

Mr. Justice Keogh suggested that a middle course should be adopted, and directed that no part of the case in which the reverend gentlemen in question were concerned should be proceeded with until 12 o'clock on Monday morning, by which time they would be able to reach Galway from the outlying districts.

[Adjourned to To-morrow, at Eleven o'clock.

Sixth Day—Saturday, 6th April 1872.

MR. JOSEPH KELLY, sworn; Examined by Mr. Sergeant Armstrong.

Mr. Kelly.

6 April 1872.

2523. You are a resident in this county, I understand?—Yes.

2524. You are a magistrate?—I am.

2525. And a Catholic by religious profession?—I am.

2526. What Roman Catholic place of worship are you in the habit of attending?—The Abbey Church.

2527. Who is the clergyman there?—The Rev. Mr. Keevil.

2528. With reference to the coming election, did you hear any observations from that gentleman in your place of worship?—I did.

2529. Was it on more Sundays than one?—Only on one Sunday.

2530. Perhaps you recollect the day of the month?—I do; the 21st of January.

2531. The 21st of January of the present year?—Yes.

2532. Have the goodness to inform his Lordship of what you recollect, giving it as far as you can in the words, or at all events the substance?—He commented the Communion.

2533. And before the last Gospel?—And before the last Gospel; he was on the altar at the time, and he was in his vestments, and he commenced by saying that he had to speak upon a most important subject, the coming election; that there were two candidates before them, Captain Trench and Captain Nolan; that Captain Trench might be a very worthy and excellent person, and profess very liberal principles, but that he was not fit to represent this Catholic county; that no good Catholic could vote for Captain Trench; that his family had been the persecutors of the Catholics for generations, or something of that kind. I do not pretend to give exactly the words, but it is very nearly that, that Captain Nolan was the chosen of the bishops and clergy; and, my Lord, I had a conversation with Mr. Keevil upon this.

2534. Mr. Justice Keogh.] Just repeat what he said?—There is a difference of opinion about some words.

2535. Tell us that afterwards; give us your own recollection?—I do not like to contradict him.

2536. Do not mind that; confine yourself to the question of what you know yourself, and never mind that respect; we do not want that at present.

2537. Mr. Sergeant Armstrong.] Your business in a court of law is to tell what passed, according to your own recollection, and do not anticipate?—He also said—

2538. Tell us your own recollection of what he said?—That Captain Nolan was the chosen of the bishops and clergy of the Catholic Church, and that no good Catholic would oppose him; he stated that Thomas Keelmore of Abbey would have care to bring in the electors from Abbey, where they should assemble on the day of the

voting. He said also that no landlord had a right to ask a tenant for a vote; that it would be tyranny and coercion in a landlord to do so; that he did not think that any landlord in his parish had done so, with one or two exceptions. He did not mention the names, but he said that one or two had done so, but that generally speaking they had not; and he ended by saying, "I must again repeat that no good Catholic can vote for a French, and that no landlord has a right to ask his tenant for a vote." That was all.

2539. What is Keelmore, at whose place the cars were to be?—It is where the dispensary is.

2540. Is it a public house?—No; he was a publican, but he is not at present.

2541. In preparation for the election, did you hear any other observations from any other alter or from that gentleman again?—No; I had some other conversations with some other clergymen.

2542. Did you hear anything from the altar?—No; but I had some conversation with some other clergymen.

2543. You know Mr. Sebastian Nolan, I presume?—I do.

2544. Do you recollect his addressing any observations to you in the latter part of last year with reference to the organisation, or any arrangement on his brother's account?—I do.

2545. State them as fully as you can?—He was talking of the chances of his brother's election; I put them as very small indeed, and he was raising the support which he was likely to have; amongst others, he mentioned all the Catholic clergy and bishops. I was differing with him, and told him that I did not think that he had all the Catholic clergy, and that I knew some who had told me that they would not support him, and that one clergyman had stated that nothing on earth would induce him to vote for him.

2546. Who was that?—The Rev. Mr. Quin, the parish priest of Rummuck; he then said that his brother was not to be beaten, or that Father Lavelle was not to be beaten; those were the words which he made use of; those men from Westmeath and Tipperary would come into the county and call at the voters' houses, and that there would be such a panic in the county that the landlords would be afraid to go outside their places. I do not purport to say exactly the words which he used.

2547. Are you clear that he said that the Westmeath and Tipperary men would go to the voters' houses?—Perfectly clear.

2548. So that the landlords would be what?—That the landlords would be frightened and intimidated by it, and would be afraid of leaving their domains, or something to that effect.

2549. At Ballinasloe did this conversation occur, about the 1st of October?—Yes, it was about the 2nd or 3rd; it was in the club house at Ballinasloe.

Cross-examined by Mr. Macdonagh.

2550. Did the clergyman speak in so quiet a tone as you do?—Quite as quiet.

2551. Almost *sotto voce*?—A little more so.

2552. Then he would not be heard so well as you even?—He could not be heard very distinctly.

2553. I assure you that we have not been able to catch any of your words, and perhaps you will be kind enough to raise your voice, as to the conversation at the club house; had you dined?—Yes.

2554. You and he?—Yes.

2555. Together?—I think that he did dine; I am not very certain about it. There was a club dinner there; I would not be very certain whether he dined or not, but I think he dined.

2556. He was after his wine, at all events?—He was.

2557. And you were after yours?—I was.

2558. And you were both discussing a probable election to come on?—Yes.

2559. Because Mr. Gregory had not then retired?—No.

2560. Two gentlemen at the club house had a conversation?—Yes.

2561. And you insisted that Captain Nolan's chances were bad?—Yes.

2562. And he insisted that his chances were good?—Yes.

2563. And you said that the Roman Catholic clergy would not unanimously support him?—I thought not.

2564. Whom did you think that those who declined to support Captain Nolan would support?—I did not inquire into that matter at all; I merely said that I did not think that they were unanimous.

2565. For whom were you at the election?—I was for nobody at that time.

2566. Afterwards did you vote?—I did vote.

2567. For whom?—For Captain Trench.

2568. You had not at that time made up your mind, I suppose?—No, and I did not make up my mind until Christmas Day. After Christmas Day I made up my mind.

2569. The hotter the day the hotter the deed?—Yes.

2570. How long was the conversation between you and Mr. Sebastian, when after dinner you were discussing the election?—I cannot exactly say.

2571. Were there other persons present?—No.

2572. Was it late at night?—It was.

2573. Had you gone out in the interval between dinner and the conversation?—I think not.

2574. And you probably think that he had not?—I do not think that he had. We were playing cards for some time.

2575. You and Mr. Sebastian were playing cards?—Yes.

2576. After dinner?—Yes.

2577. And you had some additional refreshment?—I dare say that we had.

2578. I am sure that you had, and then came off the conversation about the election?—Yes.

2579. You said that he could not play a successful card; did you think that Captain Trench

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would trump him?—I did not think anything at all about it.

2580. Sebastian then began to boast?—I 6 April 1875. thought so; I was not the only person who thought so. He talked very wild.

2581. And honestly?—Yes.

2582. I did not ask you about the people outside the club house; there was nobody in the club house but yourselves?—No.

2583. He boasted, and he insisted that Father Lavelle was invincible?—Yes.

2584. He, I suppose, was a man of such amazing energy, and of such powers of elocution that he would convince the whole world?—He looked upon him as such.

2585. With respect to the men of Westmeath, did he state that the men of Meath and Westmeath had agreed to come to aid his brother?—I am not aware that he said anything of the kind. I do not recollect it. He may have said it. I have another reason for not thinking it, and thinking that he did not say it, namely, that I wrote on the following day to my brother, when I mentioned this conversation. That is the reason which I have for my recollection of the thing.

2586. In what part of the county do you live?—Near Tullam.

2587. Did you vote at Tullam?—I did.

2588. I suppose you saw the other gentlemen of property and station like yourself, landlords, voting?—No, I did not.

2589. You did not mind?—No, I went in very early in the morning, and I voted about 20 minutes after eight in the morning, and went out again.

2590. You did not know of any landlord being shut up in his demesne, I dare say, on that day in this county?—No.

2591. Did you regard this conversation with this young gentleman as a sort of idle boasting, or as meant to convince you at the time?—I cannot say that I did exactly; I did not at the time, but I did subsequently. When I saw the threatening letter written to Sir Thomas Burke I conceived from the conversation which I had with Mr. Sebastian Nolan, that it was about to take place, and I wrote to Captain Trench and told him that I had written to him, and the letter was not posted, because I was told that it would not be delivered on Christmas Day; but the letter was put on the table, and on reading the threatening letter to Sir Thomas Burke I tore up the letter, and changed my mind and declined to vote for him. The letter which I tore up was telling him that I did not intend to vote for him at all; that I was very reluctant to vote against the clergy of my own faith; that I was very reluctant to vote against a neighbour, and that I would not vote, but after my conversation with Mr. Nolan, I thought that it was incumbent upon me.

2592. I quite appreciate and understand your observations; you were not pleased at that attempt at terrorism by Sir Thomas Burke?—I was not.

2593. I have not in the least interrupted your very fitting explanation, but I wish to bring you back to the subject; did you regard this but as an idle vapouring at the time?—At the time I did.

2594. I venture to think that I may boldly ask you, and I am quite persuaded that you do not believe, that Mr. Sebastian Nolan had any thing

Mr. Kelly. bing to do with that letter?—I am perfectly convinced that he had not.

6 April 1879. 2593. That no gentleman would have anything to do with it?—That no gentleman would, nor his brother, nor any person under his employment would be capable of doing so.

2596. Is the Rev. Mr. Keovil here; is he a young man?—He is a young man.

2597. How long has he been in the parish?—I think about a year and a half.

2598. Mr. Justice Kregg. Is he the parish priest?—He is the curate. I do not know that it is so long. I cannot be very accurate about the time.

2599. Mr. Macdonough. I am not asking you about the particular time, further than a general view of it; during that time has he had the pleasure of your acquaintance?—He has.

2600. I presume that he has occasionally had the honour of dining with you?—I think that he has dined with me; I have the highest respect for him.

2601. Does he comport himself like a mild gentleman?—Yes, I think so; extremely so.

2602. This is the gentleman (pointing to a gentleman in Court)?—Yes.

2603. Did you afterwards have any conversation with this gentleman with respect to your recollection of what he had said?—I had; that was about a fortnight or three weeks ago.

2604. What was the difference between you?—Father Keovil said that no Catholic could consistently vote for a Trench, and I said that I differed with him about it; and I subsequently asked my family.

2605. You cannot tell us what you asked your family?—I am quite sure that it was not so. There was a difference of opinion amongst us as to whether he made use of the words "Liberal Catholics." Some of the family said that he did not, and I am not sure whether he did or not. I am quite sure that if he says he did say it, he did say it, or at least he believes so.

2606. Just as I should say that whatever you say I believe; the difference was upon what matters?—I am perfectly convinced of one part.

2607. But you are not sure of the other?—No; I do not recollect the word "consistent." I am perfectly convinced that he did not say it.

2608. And he may have said, "No Liberal Catholic"?—Yes.

2609. If the sentence ran thus, that no Liberal Catholic could consistently vote for a Trench, it would have a very different meaning?—It would; but I do not think that the word "consistently" was made use of.

2610. When he said that no good, or Liberal Catholic, would vote for a Trench, and that no landlord had a right to ask for his vote, did not

you understand by that, not that the landlord would have no right to say, "I should feel obliged if you would;" did you understand it to mean that it was claiming a sort of property in the vote?—I do not think that he expressed himself in that way at all. He said that no landlord had a right, which I thought a very unfair thing to say at the time.

2611. It all depends upon the meaning of language; the distinction which I have suggested to your mind is this: Even a stranger might presume to have a right, and a landlord might have a right to request his tenants as a matter of favour, which most tenants would most likely grant; that is one thing; but to ask for the vote as a right, a sort of adjunct to the land, is another?—He did not allude to that. He said that the landlord had no right to ask it as a favour, or to ask it at all.

2612. He did not use the words "a favour"?—He did not.

2613. You have given the words?—Yes.

2614. Leaving it to his Lordship to interpret the words?—Yes.

Re-examined by Mr. Serjeant Armstrong.

2615. You say that you always regarded Father Keovil as a mild and quiet gentleman?—I did.

2616. I suppose that you have occasionally given characters to prisoners; you have never heard anything against him up to the present time?—No.

2617. Mr. Justice Kregg. You stated that Mr. Sebastian Nolan, as I understood you, said that his brother was not to be henten, and then you mixed up the name of Father Lavelle; which was it?—Father Lavelle.

2618. You did not say that the words were that his brother was not to be henten?—No, I did not intend to say so.

2619. Mr. Macdonough. My learned friend asked you whether you had given characters to prisoners; in a negative way, you had never heard anything of Father Keovil until then; you do not regard that gentleman in the light of a culprit, or a prisoner?—I do not, and I think it not only imprudent but extremely wrong for a Catholic clergyman to speak in that way. I wish to tell you my reason; I think it extremely wrong for a Catholic clergyman in the middle of Divine service, especially immediately after the mass, to speak in that way; it is extremely improper. I am of opinion that every good and well meaning Catholic in this, and in every other country, would not do so.

[The Witness withdrew.]

Captain RICHARD BLAKE, sworn; Examined by Mr. Murphy.

Captain R. Blake. 2620. WHERE do you reside in this county?—At Holly Park.

2621. Are you in the army?—Yes; I am on leave at present; I am in the Indian service.

2622. Do you recollect attending Divine service at any church in your neighbourhood previous to the last election?—I do.

2623. What is your usual place of worship?—Kilcomine chapel.

2624. Who officiated there?—The Rev. Father Coen.

2625. Did you on any occasion hear any reference made by that reverend gentleman to this election?—Yes; the first Sunday after I returned home from India he addressed the congregation with regard to the approaching election.

2626. What was the date of that?—It was about

about the middle of January some time. I think that I returned about the 14th of January, and it was the first Sunday after that.

2627. As well as you can recollect, will you please to state to the Court the substance of what the gentleman said on that occasion with reference to the election?—He stated that all his parishioners, freeholders, were bound to vote for Captain Nolan, as it was a matter of religion, and that even if they had previously promised their landlords, they were bound to break their promise and vote with him; that he would take them to Galway, and that they were bound to vote with him, and that any of them who did not vote for Captain Nolan would be marked as black sheep, rotten benches, and would be traitors to their country. He made a long address; these remarks which he made particularly struck me.

2628. Did you consider those strong observations which he made?—Yes.

2629. At what portion of the service did he make those observations?—To the best of my belief (I could not swear to what time it was) I think that it was after the Holy Communion, and before the last Gospel; however, I could not swear to that; it may have been after Mass.

2630. Do you recollect whether he had his vestments on?—I could not swear to that, but I think that he had his vestments on, or a portion of them.

2631. Was it from the altar that those words were used?—Yes.

2632. Was it a crowded congregation?—The usual congregation, I think.

2633. Did you attend service on the next Sunday?—I was there, I think, for two Sundays, or three, before the election.

2634. Were any observations made on the next Sunday?—No, nothing particular on the next Sunday, any further than that arrangements would be made for cars, or something to accompany the voters.

2635. On the Sunday immediately preceding the election were you there?—Yes; I recollect that Captain Nolan attended service in that chapel that day, and Father Coen said something, but nothing that struck me particularly, but that he hoped that he would be able to congratulate the voters on the following Sunday; that he hoped that Captain Nolan would be elected Member, and that he would be able to thank them for the vote on the following Sunday. This was the Sunday prior to the election.

2636. Was there any excitement in the church at the time, or any noise?—No, not in the church, but I think outside; just as Father Coen arrived they cheered him and h'd for Captain Nolan, or something of that kind.

2637. That was before the service?—Yes, as he drove up; Captain Nolan, I think, had previously said something to some people about the election, and when Father Coen arrived they began to cheer, or something of that effect.

2638. Do you recollect on any occasion any list of the voters being taken down?—No, there was no allusion to a list, or any list that I remember taken at the chapel.

2639. Do you recollect on any occasion the chapel door being locked for some purpose?—No.

Cross-examined by Mr. MacDermot.

2640. Upon that Sunday immediately before the election at which Captain Nolan was present, nothing improper was said?—Nothing improper.

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Father Coen said that he had the honour of seeing Captain Nolan in the chapel, or something of that kind.

2641. But he made no observations about black sheep, or the religious question, or anything of that sort?—No, not upon that occasion.

2642. When you say that he used particular words you say that he made a long address?—Yes, and the words which I have mentioned were what struck me particularly.

2643. Did he, during that long address, explain the reason why he considered that the election became one involving a question of a religious character?—He may have done so.

2644. Have you any doubt that he did so?—I have considerable doubt.

2645. Had you only your memory for the improper part of it?—The strong words which he used struck me particularly.

2646. When he said that a question of religion was involved, did he explain to the people in that long discourse how it was involved?—No, I do not recollect that he did; he may have done so, but that did not strike me particularly.

2647. Upon what grounds did it appear to you that he at that time put the propriety of voting against Captain Treach?—I suppose that it was on account of religion.

2648. Why on account of religion?—Because one was a Roman Catholic and the other was a Protestant.

2649. Did he say anything about the extension of the influence of the clergy from elections?—He may have said so, but it did not strike me particularly.

2650. Did he speak of the Loughrea meeting; try and remember something, as you have remembered the exact words which were improper?—They were particularly marked words which struck me.

2651. Did he speak about the Loughrea meeting?—He may have done so, but I do not recollect.

2652. Did he speak about the landlords of the county attempting to take into their own hands the electoral duty?—I do not recollect it, but he may have done so.

2653. Do you remember his referring to Leed Clarinade?—No.

2654. Do you remember his speaking about Sir Thomas Burke?—I do not remember.

2655. Do you remember anything of the sense of his long discourse, the argument which he addressed to the people?—He held forth that his reason for his desire for voting for Captain Nolan was, that he was a Roman Catholic, and was consequently a proper person to represent the county.

2656. Was that the only reason which he gave?—I think that he said something about education.

2657. Did he say anything about priestly dictation?—No, I do not recollect.

2658. Did he say anything about landlords coercing their voters?—He did.

2659. What did he say about that?—I am not certain whether it was on that Sunday or not, but either that Sunday or the following (I think it was the following Sunday) he said that there was a certain lady in the parish who, he believed, was trying to induce the voters or tenants to vote with her.

2660. Against their conscience?—Against him.

2661. Did he say against their conscience?—I do not recollect whether he said against their conscience or not.

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2662. What

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2662. What did he say about the education question?—I did not pay any very particular attention, but it was something about Catholic education.

2663. About denominational education?—Yes.

2664. Will you undertake to swear that what he said was not this: that Catholics who voted against their conscience would be considered as black sheep and as traitors?—I think that I would.

2665. Do not mind merely thinking it; will you undertake to swear that he did not use the words, having described that they were asked and pressed to vote against their conscience, that any persons who did so would be considered as black sheep?—No, I think that I am right in what I stated at first.

2666. Give me the exact words again?—That the freeholders were bound to vote for Captain Nolan; I cannot tell you exactly the words which I stated to you before, but I will tell you as nearly as possible: that it would not suffice for them to stay away and vote for neither, but that they were bound to vote for Captain Nolan; something to that effect, that those who would not actually vote for Captain Nolan would be held as black sheep and rotten branches, and traitors to their country.

2667. Did he say those who would not vote for Nolan, or those who would not vote for Trench?—No, those who would not vote for Nolan; that it would not be sufficient for them to stay away and vote for neither.

2668. You are quite sure that he stated this?—I am.

2669. And not at all in connection with their conscientious obligation to vote as their conscience directed?—I do not recollect anything at all about conscience; he may have mentioned something about it; I do not recollect the whole of it.

2670. You only recollect about six words of a long discourse?—I do; I recollect these particular words which he used.

2671. Do you recollect any other words besides those?—No, because there were not any other strong words.

2672. Who was the lady who he said was trying to induce voters to vote for Captain Trench?—He mentioned no name; he said a lady.

2673. Did the reverend gentleman describe to the people their constitutional right to use their vote according to their own wishes?—He may have done so.

2674. He may have said a ballot for all I know, but did he do so?—I do not recollect; I cannot state it positively.

2675. Do you remember it at all?—No.

2676. Do you think that he said it?—I do not recollect.

2677. Do you think that he said it?—I am not positive.

2678. But do you think that he said it?—What is the object of getting my thoughts.

2679. A few moments ago you said that you thought something?—

Mr. Justice Keogh.] The Witness puts a very sensible question. What is the use of asking the Witness his thoughts about what he does not recollect?

2680. Mr. MacDonnell.] Do you recollect his saying anything about the constitutional rights of the people to vote as they wished?—I have no thoughts about it.

2681. Your mind is a *tabula rasa* with respect to that?—Yes.

Re-examined by Mr. Murphy

2682. Did he say anything particular as to the lady who was interfering with the voters?—He did not use any particular language; he said that there was a certain lady who was inclined to influence some voters.

2683. He did not mention her name; but so far as you recollect did he point out in any way who she was, or anything which could guide you as to who she was?—No, not positively.

2684. You state that you do not recollect anything about their voting according to their conscience at all?—He may have said something about it, and I dare say he did.

2685. Was not it all pointed to voting for Captain Nolan, and not voting for Captain Trench?—Most certainly.

2686. Conscience was most distinctly and very strongly pointed in that way?—Yes.

[The Witness withdrew.

Mr. JOHN KIRWAN, sworn; Examined by Mr. Pease.

Mr. Kirwan. 2687. I BELIEVE you are the son of the late Mr. Kirwan of Castle Hackett?—Yes.

2688. You are an officer in the 7th Fusiliers?—Yes.

2689. Castle Hackett, I believe, is not far from Tuam?—No, about five miles.

2690. During the month of January last preceding the election, did you happen to be in Tuam on several occasions?—Yes, I was there off and on nearly every day.

2691. Did you experience any annoyances upon your visit to Tuam?—No, not much; in fact, none until just before the election.

2692. Just before the election were you annoyed by the mob?—Yes, the day before the election, on Monday, I think, I walked down the town with Mr. Bayle Bernard, one of the bishop's sons, and when I was coming back a boy there, of the name of Slatterin, whom, I think, Mr. Charles Blake has mentioned, came

after me, and booed with the mob; they used epithets; they did not do anything to me, but just booed all down the town with me.

2693. Did any one of them say what should be done to anyone who voted for Trench?—Yes, a man at Athenry; I do not know exactly his name, I think he is a jobber, turned round and said that he thought that any man who voted for Trench ought to be knocked down with an iron bar.

2694. Were you, previously to January, in the habit of travelling between Tuam and Athenry?—Yes, frequently.

2695. Do you know by appearance a man of the name of Pat Barrett?—Yes.

2696. Did you see him at Athenry?—Yes, every day excepting the evening of the nomination.

2697. Where was he then?—In Galway, I believe; I saw him at the nomination here.

2698. Did

2698. Did Pat Barrett use any unfavourable expressions towards you?—No, not personally.

2699. Did you hear him annoying any other people?—Frequently; he had a regular mob there, and no gentleman could get out of the train who was not hooted.

2700. What did he say to you?—I do not remember exactly.

2701. Do you remember the nomination day?—Yes.

2702. You were going, I think, from Galway to Tuam on that day?—Yes.

2703. When you got out of the train at Galway, do you remember what occurred?—Nothing at Galway, not at the station.

2704. Do you remember meeting Mr. Roche?—That was at Athenry; that was in the morning. I met Mr. Michael Roche at Athenry; we always spoke to one another, and he came up and shook hands with me, and said, "I must congratulate you." I did not at all know what he meant, and when I got into Galway I heard afterwards that he had been telling people—

2705. Mr. Moodeagh.] Do not tell us what you heard at present?—I must explain how this occurred.

2706. But I wish you to state facts; the explanation may be elicited, if necessary?

Mr. Justice Keagh.] State what you know.

It turned out that he thought that I was working for Nolan, and then he congratulated me, and then he saw me in the opposite box to what he was in on the day of the nomination here, and when he met me at Athenry he said, "You deceived me," or some words to that effect; he said, "I thought that you were for Nolan, and I saw you in the opposite box." The mob got round, and they hooted and yelled. Mr. Clorin was there, and they quieted, and I got out.

2707. Except for Mr. Clorin's assistance, what would have happened?—I could not say.

2708. Were you in any danger?—Yes, I did not feel at all comfortable at the position that I was in.

2709. Who is Mr. Roche?—He is a tenant of ours.

2710. Do you remember a Mr. Sheridan?—Yes, I saw a man there, and I was told that his name was Sheridan.

2711-12. Did you see Major Kirwan there?—Yes, I believe that he was there also.

2713. Was he with Captain Nolan?—No, he was with Michael Roach, a tall gentleman, with a red beard.

2714. You were at the nomination?—Yes.

2715. Did you see Father Loftus?—I saw him at Athenry.

2716. Do you remember Father Loftus saying anything about you?—After I went out there I walked up and down the platform with my father, and the mob began hooting and said, "Down with the Kirwans," or something, and Mr. Loftus said, "Down with them and with the Kirwans," as I passed him, touching him almost.

2717. Was there a crowd there?—Yes, there was a lot of people on the platform.

2718. You were in the town of Galway on the day of nomination?—Yes.

2719. Were you pelted by anybody on that day?—Yes, I was in Mullins' and Kyre's shop, with Mr. Green and a number of gentry, and

standing at one of the counters there was a man cutting sugar, and they took up the sugar and began pelting me with it.

2720. On the day of the nomination were you at Tuam?—Yes.

2721. How did you get from the station at Tuam; where did you go to?—I went with my father up to Mr. Dennis Kirwan's, our agent.

2722. How did you get there; were you escorted?—No.

2723. Were you in Galway on the day of the polling?—Yes.

2724. Did you go back to Tuam on that day?—Yes.

2725. Will you describe how you left the station at Tuam on the day of the polling?—I was going to walk out of the station with Mr. Bailey, one of our tenants, and as we were going out, Mr. Hill, one of the magistrates, said, "By no means go out, I have brought down an escort for you"; and he brought up this escort, and I heard shouting down the town after me, but I turned aside, and away I went.

Cross-examined by Mr. Moodeagh.

2726. May I ask you when it was, precisely, that you were in Mullins' and Kyre's shop?—On the polling day.

2727. And there was a little boy cutting sugar?—I do not know who was cutting the sugar, I am sure.

2728. Did not you see that he pelted people with sugar?—No, not the boy; it was some people at the counter.

2729. Was the sugar thrown at you?—Yes.

2730. Sweet to sweet; were you hurt at all?—No.

2731. You have stated that Mr. Hill came to tell you about an escort?—Yes; I myself thought that it would not be safe, and I was going down there.

2732. You were going out yourself, but you did not?—Yes.

2733. I understood you to say that you were going to your father's agent?—No; it was on the day of the nomination that I was going to my father's agent; on the day of the polling I went straight up to the palace.

2734. Did you vote?—No, I had not a vote; I wish that I had.

2735. You saw your tenants vote, of course?—No, I did not see them vote.

2736. What brought you to the poll?—I came in with my father.

2737. It was with a tenant of yours that you were about to leave the station?—Yes; he had been into Galway, and was going out; I did not come in with him.

2738. Did your father accompany you to the polling?—My father was staying in Galway, and met me at the station. I walked down as far as the Court-house here with him; he had been in Galway on the Monday previous, and met me at the station, and then I walked down to the polling-place.

2739. Did you see your father poll?—I did not.

2740. But he was at the polling place?—Yes.

2741. I think you described that you were very much through the country; I suppose that you were on leave at the time?—Yes; I had just come over.

L 2

2742. And

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Mr. Kirwan.

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2742. And you were very much in the country?
 —Yes, I was always going to Tunn; I was always going to the palace.
 2743. You and the bishop's son were walking through the town?—Yes.
 2744. Did you leave him and return?—No; I went up to the palace.
 2745. Was it then that this fellow, Slatterie, attacked you?—Yes.

2746. He shouted, I suppose?—He used oaths the whole time.
 2747. And you did not care about it?—No.
 2748. And no personal injury was inflicted upon you?—No.
 2749. And you had not the least fear in your heart?—No.

[The Witness withdrew.

Constable JOHN MADIGAN, sworn Examined by Mr. Sergeant Armstrong.

Constable
J. Madigan.

2750. Where you stationed at Dunmore in January last?—I was.
 2751. I believe the Rev. Mr. Loftus is one of the clergymen there?—He is one of the clergymen there.
 2752. Did you attend Mass there in January?
 —I did on some of the Sundays.
 2753. Did you hear him address the people from the altar?—I did.
 2754. On more than one Sunday?—I did; I was there more than one Sunday.
 2755. Will you begin, so far as you can recollect, with the first of his addresses; was it on the 14th?—I could not tell you what day it was.
 2756. Tell me what he said?—He read Mass; and he addressed the congregation, and said he expected they would vote for Captain Nolan.
 2757. Did he say anything as to what would happen to anybody that did not vote for Captain Nolan? You must go on, and give your evidence; I am not going to lose time with you. Do not mind either Mr. Loftus, or anybody else except his Lordship?—I will tell what I know. He said that they had not to vote for Captain Trench, that they had to give their votes for Captain Nolan and the clergy and the bishops, and not to have them go to their graves branded as Cain.
 2758. Did he say anything about young O'Laughlin?—Yes; I cannot exactly tell you all he said, but he said that they were canvassing for Captain Trench.
 2759. What did he say as to Mr. O'Laughlin?
 —He said he was there, rubbing his whiskers: Mr. Charles O'Laughlin.
 2760. Did he call him a blackguard?—I cannot say.
 2761. Do not be looking at the priest; look at the Court?—I am not. He made reference to Mr. Henry O'Laughlin.
 2762. What did he say?—He said that he was at the head of the blackguards.
 2763. Was that Charles's brother?—Yes.
 2764. Was he there?—I did not see him there.
 2765. Did he say that he was at the head of the blackguards?—Yes.
 2766. Doing what?—He said that they were canvassing for Captain Trench.
 2767. Did he say anything about Mr. Griffiths; you may as well tell me, and save time?—I will. He did; he spoke about Mr. Griffiths getting the votes of some of Mr. Daly's tenants, and said that there was no Mr. Griffiths, master, but Mrs. Griffiths, and that she wore the breeches, and that it would be hard to get a pair of them to fit her.
 2768. She is the agent's wife?—She is.
 2769. A lady in the town?—Yes.
 2770. I suppose that the congregation roared

out, as the people do here now?—They were laughing.
 2771. Were they laughing about the "brand of Cain"?—I cannot say whether they laughed or not at that.
 2772. Did you laugh at the "brand of Cain"?
 —I cannot say whether I laughed or not.
 2773. I suppose that you know who Cain was; was he another policeman?—No.
 2774. Who was he; do you know?—Yes; the man that killed Abel.
 2775. He was in the Garden of Eden, as they called it. Do you recollect a disturbance in Ballinasloe?—No.
 2776. Did you hear him talk any Irish in the chapel?—I think he did talk Irish. I cannot say, for I understand both.
 2777. And that is the reason that you cannot tell me either. Did he say "Mould as people"?
 —I cannot say.
 2778. That is the "curse of the congregation"?
 —I cannot say.
 2779. Did he curse Mrs. Griffiths, by your oath?—By my oath I do not know whether he did or not.
 2780. Did he say that anything she should handle or go through would be cursed?—I cannot say.
 2781. Anything like that?—I cannot say.
 2782. Had you any wool in your ears on that day?—No.
 2783. Do you recollect when he was talking about Mrs. Griffiths that the people struck their breasts, and said "Oh! oh"?—I think I might be absent that day.
 2784. Do you recollect being absent the day when you saw the people beating their breasts?—No, but I might have been absent one of the days.
 2785. Do you recollect there being a sough or a sob when he spoke of Mrs. Griffiths?—I do not know. I did not take much notice of it, for I did not care how the matter went.
 2786. And you are not able to tell me whether she was cursed in your presence or not?—I have no recollection of it; not the slightest.
 2787. Was it the same day that he said that "Henry O'Laughlin was the head of the blackguards" that he cursed Mrs. Griffiths?—That was the day I heard him talking of Mrs. Griffiths.
 2788. About the "breeches"?—Yes.
 2789. And that is all you recollect?—That is all what occurred in the chapel, but I did not think it would ever come to this.
 2790. Were you upon any accords during the election?—I was.
 2791. Where?—I went out to meet Mr. Barrett with a party outside the town the morning of the 6th February.
 2792. Who is Mr. Barrett?—Mr. John Barrett

Barrett, the magistrate, and a landed proprietor.

2793. Where was it?—Outside the town of Dunmore.

2794. Was that on the polling-day?—Yes.

2795. Where was the polling place; was it at Dunmore?—No, at Tumm. You have to pass through Dunmore to go to Tumm. As I was coming in with Mr. Barrett up to the centre of the town, to the hotel, I met a party going down, and they had a flag.

2796. What flag was it?—It had "God save Ireland" on it, I think; but I was paying more attention for fear they should strike Mr. Barrett with the stones than to the flag.

2797. You were apprehensive that they would strike him?—I was.

2798. Were they an excited mob?—They were.

2799. Was there any priest with them?—The Rev. Mr. Loftus.

2800. Had he a green sash on?—I cannot say.

2801. Had he any green ribbons "all round his hat"?—I cannot say, for it is very little looking I had, for I was watching for fear stones should be thrown at Mr. Barrett.

2802. Were there stones thrown at yourself? There were stones thrown as we were leaving the town, going towards Tumm.

2803. A partying sash?—No.

2804. Were there stones thrown at you?

—Not at me; but I arrested one which struck Mr. Thomas O'Laughlin.

2805. Was Mr. Charles O'Laughlin with them?—He was, and his father.

2806. And were there stones flung that struck him?—Yes, Mr. O'Laughlin was struck. I cannot say whether he was struck with a stone, but I saw the blow made. I arrested the woman and gave her in charge.

2807. Women were out as well as men?—Men and women, and boys.

2808. Had you to escort any gentleman's carriage to church about that time?—Mr. Rhodes stated that he was afraid of an attack being made upon him, and I went to meet his carriage outside the town with some of the men he requested.

2809. Going to church?—Going and returning.

2810. That was the Sunday after the election?—I believe it was.

2811. Did you escort Mr. Bowles also?—Mr. Bowles also stated he was afraid, and I requested the men to have an eye to him.

2812. Were you at the meeting at Dunmore, the big meeting?—I was.

2813. Did you see any priests there?—I saw a lot of them.

2814. Was your eyesight good at the time?—Very fair.

2815. Were there any green sashes there?—I cannot say, and I tell you the cause of it; we remained in the barracks and about the barracks, and that meeting was in the square.

2816. You did not send down any of your body about the meeting; do you know what a saddlecloth is?—Very well.

2817. Did you see that?—I do not recollect seeing it.

2818. Did you see any green ribbons?—I do not recollect; there might be 50 of them had it, and I do not recollect it.

2819.—I.

2819. Were there any flags?—No.

2820. No banners?—No.

2821. Was there a band there?—There was in Tumm.

2822. Do you know party tunes?—Well, indeed very badly.

2823. Are you a musician?—No.

2824. Did you hear any tunes played?—Yes, I did.

2825. Do you know "Tramp, tramp, the boys are marching"?—Yes, I think that was played.

2826. And "The wearing of the Green"?—I cannot say.

2827. Do you consider that a party tune, as a policeman?—Well, I believe it is. At the time the band was playing we remained in the barracks.

Cross-examined by Mr. MacDonnell.

2828. On the occasion of this Dunmore meeting you say that you were looking out that day; was that a quiet meeting?—It was.

2829. Were there any acts of violence done that day?—Well, there was not, but at night there were some drunken squabbles.

2830. But during the time that the meeting was held, there was no violence, as I understand?—No; I did not see or hear of any.

2831. When you say Father Loftus came in with the voters, passing through Dunmore, was that body which was accompanying Father Loftus guilty of any acts of violence while he was with them?—They turned round and groaned at Mr. Barrett, and a few others with him.

2832. But when Father Loftus was with them they did not attack any persons?—No. I did not see them at that time attack anybody. I went on before, to get the road cleared for Mr. Barrett.

2833. I understand you to say that the person who was arrested for throwing stones was a woman?—She was.

2834. With regard to what occurred in the chapel when Father Loftus was speaking, is it not true that during the time he was speaking the people were greatly amused and laughing?—Well, I believe they did laugh at the time that he spoke about Mrs. Griffiths.

2835. During any part of his discourse were you terrified?—I was not, for I had no cause to be terrified.

2836. And you saw nobody else in the chapel terrified?—I do not know. I did not see anybody else terrified.

2837. I suppose that Father Loftus himself was laughing when he was talking about Mr. Griffiths' domestic control?—I assure you I do not recollect.

Re-examined by Mr. Serjeant Armstrong.

2838. You live in the police barracks?—I do.

2839. With your name about you, and in a slated barracks?—Yes.

2840. If you were a poor man, living miles away in a lonely place, with a thatched house, would you be likely to be frightened about the "brand of Cain"?—I beg your pardon, I have a house of my own. I lodge—

2841. Do you think that it would be likely to frighten

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frighten people who lived in lonely places at night, without a policeman to defend them, to tell them they would be branded as Cain?—Some people might be frightened, and others would not.

2842. Would you be frightened?—I do not think I would.

2843. You know Pat Barrett, of Athenry?—I do.

Sir ARTHUR EDWARD GUINNESS, Bart., sworn; Examined by Mr. Murphy.

Sir A. E.
Guinness,
Bart.
—

2847. WERE you in the county of Galway prior to the last election?—I came down to Galway on the Saturday before the election.

2848. Did you witness anything with respect to the state of the country, or as to any excitement about the election, before the day of the polling?—I drove from Galway to Cong on the Sunday, and the country was certainly in a very excited state.

2849. How was that excitement manifested?—The people along the road seemed violent, and almost all the people along the road called out "Hey for Nolan"; and I did not feel inclined to call out "Hey for Trench." I thought, being alone with the driver, that it was much better to keep quiet.

2850. On the day of the polling, did some of your tenants accompany you?—Nearly all.

2851. How did you bring them from the estate to the polling place?—They came in the steamer across the lake.

2852. Where did they land?—They landed at Oughterard Quay, or rather we got boats there, and went up the river, for the road was flooded.

2853. Did anything unusual meet your observation on landing?—No; there was no mob on the shore at landing; there were a few men and boys.

2854. Where did any mob appear between there and the polling place?—I was warned at the quay that it was likely I would be assailed in going up to the town, and advised to send for the soldiers. I did not do so. I went on towards the town with my tenants, who were with me; a small band. We kept together as much as possible, and on the way up the people became very much excited, and shouted "Down with Trench," and things of that kind, and when we came near the centre of the town we were very severely pelted with stones.

2855. Were you yourself struck?—I was.

2856. In what part?—On the back of my head.

2857. With a stone?—Yes.

2858. Were any of the tenants struck?—There were three or four of them badly hurt.

2859. At what distance from the polling place did the violence first commence?—I think about 300 or 400 yards; more, perhaps.

2860. From that, until you reached the polling place, were you and your tenants, whom you had with you, in considerable danger?—Very considerable.

2861. Had you, in fact, to fight your way to it?—

Mr. Moonenogh.] That is rather leading.

Witness.] We had to fight our way in

2844. How far is Athenry from Dunmore?—About 25 miles.

2845. Was Pat Barrett at the Dunmore meeting?—He was.

2846. Mr. MacDerwent.] Do you know, as a matter of fact, whether Mr. Henry O'Laughlin was fined for an assault?—I was not in Court the day, but I heard he was.

[The Witness withdrew.

this respect, that we were conducted by, I think, about 50 soldiers and 16 or 17 police, and, I think, eight or 10 hussars, and I do not think one man less would have done it.

2862. Mr. Murphy.] Was it during the time that you were guarded by that escort that you were pelted in the way you have described?—We were slightly pelted after the escort arrived, but the principal pelting was only while we were in charge of the police, waiting for the soldiers to come up.

2863. Was the blow which you were struck a severe one?—Yes, very severe; I was nearly stunned.

2864. Did it cut you?—Yes, it cut through my hat.

2865. Was it a felt hat, such as you have now?—It was.

2866. Did it cut through the felt hat and cut your head?—It cut my head.

2867. You felt stunned by that?—I felt rather stunned.

2868. Did the men who were accompanying you to the poll express great alarm to you?—Several of them said to me, "We will be murdered, sir."

2869. Do you believe they were in real apprehension of it at the time?—I know they were.

2870. It was no groundless fear, from what you saw?—Well, I was not too happy myself, but I was determined to vote at any price.

2871. Did anything occur, that you recollect, after having polled, on leaving the polling place; how did you return or leave the place again?—We had a council with the officer in command of the police and the officer in command of the soldiers, as to getting us down across some streams, and through the fields, so as to avoid the town, for they were rather afraid that the mob might be worse as we were going back. I declined to go, and I said, "We will go back through the town," as there were several streams much swollen, and as some of my tenants who were with me were old men, and I was afraid that there might be some difficulty in getting them that way.

2872. Did you return with the same escort?—With the same escort, and we were slightly pelted going back, but the hussars kept the place tolerably clear, riding amongst the people with great violence; and to that I attribute our not having been pelted a second, or rather a third time in going down.

2873. How many of your tenants had accompanied you?—I think 27 or 28; nearly all.

Cross-examined by Mr. Molesworth.

2874. I am extremely happy to have the pleasure of seeing that the cut on the head is all gone?—Yes, I have quite recovered it.

2875. There is not the least trace of it?—Well, I cannot see well there, but I do not think there is.

2876. I was looking; you know I feel a respectful anxiety about it, and I am glad to see that you are not injured?—Thank you.

2877. I believe you polled every one of your tenants?—No; the two parish priests and a gentleman who had been a clergyman in the Church of England, and had become a Roman Catholic himself, and others, two others, that was all; all except those.

2878. You polled all except two priests, the gentleman who had left the Church of England and joined the Church of Rome, and one other?—Two others.

2879. How many did you say voted altogether?—I think 47; it might have been 35; either 25 or 27.

2880. I presume that those 25 were all Roman Catholics?—No, there were two Protestants, my own agent and, I think, one other; all the rest were Roman Catholics.

2881. Who is the priest of the parish in which that portion of your estate is?—There are four parishes; one was Mr. Lavelle, and another Mr. Hasty, another is curate, I forget his name, and the other is the priest of Mann, I forget his name.

2882. I think that Father Lavelle has the honour of your acquaintance?—I have the pleasure of knowing him.

2883. How many of the 27 voters are in Father Lavelle's parish; try if you can remember?—I could make it out, but it would take some little time; I should say about 14 or 15; 13 perhaps.

2884. You can give me more information about that if necessary?—I can, exactly.

2885. If you please; are there 14 or 15 Roman Catholic parishioners of Father Lavelle's who are your tenants?—It is between eight and 14, but I could not go closer. It might not be more than eight, but there are certainly eight of them.

2886. Did you see Father Lavelle on the day of the polling?—No.

2887. Do you remember this having occurred at the poll; that one of your tenants, when asked for whom he voted, said, "I vote for my landlord"?—I did not hear it.

2888. Do you happen to remember whether the words might have been "I vote for my master"?—I did not hear it; I heard nothing of that.

2889. Do you know one of the tenants called Thomas Hollam?—Yes.

2890. Did you see him with a clergyman upon the day of the polling?—No.

2891. Did you see him on the day of the polling?—He came with me. I am not quite sure whether it was Thomas, or the other. There are two brothers; one of them came with me, and the other declined to come.

2892. I am instructed to ask you this; was not one of the Hollams in company with a parish priest and proceeding to the polling place in 241—I.

order to vote for Captain Nolan?—I am not aware of that.

2893. Did you see him in company with the priest?—No.

2894. Did you see him without the priest?—I saw him without the priest.

2895. Was he on his way by himself to the place of polling?—He was not by himself, his brother was with him; I may confuse the two men, but I am speaking of the Hollams; they were together when I met them on the road; there were several other men standing by whose names I do not know, but there were no clergymen there.

2896. Did you take hold of either of them?—Certainly not; I spoke to them both. One of them, indeed both of them, spoke Irish better than English, and one of them does not speak English at all. My agent was with me, and I asked him to speak for me, to ask them would they vote with me; one of them, the elder of the two, I think, declined positively. He said I had not asked soon enough. The other said he was afraid now to vote with the priest. I said, "Well, I will not in any way coerce you to vote with me. I am sorry you desert me, as you think I am going to be killed at Oughterard," for they thought I was to be killed there; and I said, "I am sorry you desert me, and allow me to be killed by myself," but I said, "I know no difference between you and those who vote with me," and he came afterwards.

2897. You said what I should have supposed; but I was instructed to ask you those questions, and it was my duty to ask you; I am further instructed to ask you this, do you know of those voters having got drunk?—Well, there was one voter who passed me going with the priests to the poll who was certainly very much the worse of liquor, and he was one of the two who did not vote with me.

2898. Did you know of any drink being given to those voters who did vote with you?—I gave them none beforehand.

2899. I suppose that you had a glorious night afterwards?—No, we had no glorious night afterwards; they had their luncheon with me going back on the steamer; a luncheon which you would not have objected to yourself.

2900. I have no doubt of that; I know that well?—It was very plain; you can ask them what it was.

2901. Indeed I shall not; I shall ask nobody but yourself on that subject.

Re-examined by Mr. Murphy.

2902. Did you in any way whatever, except in stating what you said, coerce your tenants, or hold out any inducement to those other than what you have told us?—None whatever; I went to see all my tenants, and asked them if they would come with me to Oughterard.

2903. Did they express to you themselves any alarm about going to Oughterard?—Yes, very much; some of them said they were too old; they would be killed by the mob that they were told would be there, and my greatest difficulty with them was the terror of the treatment that they would receive at Oughterard.

2904. What was it that finally induced them; do you recollect mentioning anything about your own personal danger?—The line I took with them all through was to say that I was going, and

Mr. A. E. Guinness, Bart.
6 April 1875. I did not think they would desert me in going to a place where they thought there was danger; that they would stand by me, and also that I did not think they could wish to vote for a man who was the worst landlord in the country, and who was held up to us as a pattern landlord.

2905. What did they say when you told them of your own personal danger?—Several of them said "At the last election several of us were told not to vote for him because he was a bad

landlord, and now we are told to vote for him because he is a good landlord; and we do not know what he has done in the meantime.

2908. When you told them you did not think they would desert you in a place of danger, what did they answer to you?—They said, "We will never desert our landlord."

[The Witness withdrew.]

Mr. BURTON PERSE, sworn; Examined by Mr. Perse.

Mr. B. Perse. 2907. I BELIEVE you reside near Athery in this county?—Yes.

2908. I believe you are master of the Fox Hounds?—Yes.

2909. I suppose on several occasions in the month of January last you were in the town of Athery?—Yes, frequently.

2910. Do you know a man of the name of Pat Barrett?—I do.

2911. Do you remember on any particular occasion your carriage being stopped and stoned?—I do on one occasion particularly. I do not call to mind the exact date.

2912. But it was in January?—It was.
2913. Do you remember who the parties were who were present when your carriage was stoned?—I know a great many of them, but the ring leader of the mob was Barrett.

2914. Pat Barrett?—Yes.

2915. On any other occasion did Barrett use any abusive language towards you?—Frequently.

2916. And towards other people in your presence?—Wherever he had any opportunity towards any party who he thought was supporting Captain Trench.

2917. Do you remember any language particularly that he used?—He said on one occasion when my carriage was stoned, "To hell with the Perse's; down with the Trench's, and down with the landlords."

2918. On the day of the polling did you yourself poll at Portanna?—I did.

2919. Did some of your tenants poll there?—Yes.

2920. Do you recollect one of your tenants going with you to the poll, and there being any interference on the part of the priests?—I do.

2921. Will you state your recollection of what took place?—He did not go with me at first to the poll, but I met him in the polling room, and I said to him, "Cogan, are you going to vote with me as you promised?" "I am, Sir," was his reply. "Come then," I said, "till I get you a ticket." He came with me to the tally-room; when we got part of the way he put his hand in his pocket and said, "Here is one; they forced me to take it, but I believe it is the wrong one." It was a green ticket.

2922. Was that one of Captain Nolan's tickets?—Yes.

2923. What happened to the tenant?—He came with me then to the tally-room, and I got him a white ticket along with my own. On leaving the tally-room, just at the door, he was met, or rather we were met, by two priests, and I can in no better way describe it than that they pounced on him, and walked on each side of the man down to the polling-booth. When we got inside the door, just as he was getting up on the

table, one of them said to him, "Mind what you are going to do," or "Take care what you do in it." I cannot say what the words were. It was either one or the other of those two sentences. At the same time they made some stroke like that (putting his thumb to his breast) on the man, and he seemed to be so taken aback by that that he put his hands down and said, "I will not vote at all now, Sir." I said to him, "Well, my good man, I do not want you to vote if you do not like."

2924. Will you describe, as accurately as you can, what the priest did with his hand?—I could not say beyond that it was something like that (striking his breast with his finger); it was a stroke.

2925. Was it done very rapidly?—It was done as I do it now (repeating the same action); just two strokes.

Cross-examined by Mr. MacDermot.

2926. I presume that at the time that all this occurred there was considerable excitement going on around you?—No, it was not; it was very quiet just there.

2927. Do you mean to imply that they made some description of a mystic sign upon the man?—Whatever it was it had a most magic effect upon him.

2928. Will you give me the name of the clergyman who made this sign?—I did not know either of the clergyman, but I asked immediately afterwards the name of one of them, and I was told the name of one of them.

2929. What was that name?—Mr. Furlong.

2930. Was Mr. Furlong the clergyman who, you say, attempted to electrify the man as you describe?—I cannot say that it was he; it was one of the two. The hand was put across my shoulder.

2931. Was it a young priest or an old priest?—They were both young priests.

2932. When this man produced another ticket first, did you conclude that he had been going for Captain Nolan?—I could not conclude that, because he had promised me most steadfastly all through to vote for Captain Trench.

2933. But when he showed the tally-ticket for Nolan, did you not infer that he was going to vote for him?—No, because he said it was against his will, and I tore up the ticket.

2934. Did you ask him whether he was, in point of fact, going to vote for Captain Nolan?—I asked him whether he was going to vote as he promised me, and he said, "Certainly he was."

2935. That is, for Captain Trench?—Yes.

2936. Notwithstanding the possession of the other ticket?—Yes.

2937. Did

2937. Did you tear up that ticket?—I did. He gave it to me voluntarily.

2938. It was not necessary for you to keep it as a souvenir, but you tore it up at the time?—I did not want it.

2939. At the time that you tore it up did you come to the conclusion that he had accepted it for the purpose of voting for Captain Nolan?—I only tell you that the man told me that he took it against his will; that he was forced to take it. Those were the words which he used.

2940. Who did he say gave it to him?—Mr. Furlong asked him, "What did you do with the ticket I gave you?" and my reply was, "If you want to know, he gave it to me, and I tore it up."

2941. Then you found out, on inquiry, that the Rev. Mr. Furlong gave him the ticket?—I did. I only know, from my own knowledge, what he told me.

[The Witness withdrew.]

Mr. JOHN EYRE, Junior, sworn; Examined by Mr. Sergeant Armstrong.

2942. WERE you at the polling place at Portumna on the day of the election?—Yes.

2943. Were you in company any part of the time with Mr. Barton Perse?—I was.

2944. Do you recollect his coming (I do not know whether you happened to come with him), bringing a man as if to vote, accompanied by the priests?—Yes.

2945. Do you recollect seeing the man with Mr. Perse and two priests?—Yes.

2946. You recollect the incident to which I refer?—Yes, perfectly.

2947. Were you at the polling place when they approached, or had you come with them from any place?—I came from the hotel with them; from the tally-rooms to the polling-booth.

2948. I suppose that you were aware that the man was coming with Mr. Barton Perse, as you supposed, to vote for Captain Trench?—Mr. Perse told me so.

2949. Do you recollect, just as you got close to the polling place, at the table, anything occurring to the man with reference to the priests?—Mr. Perse was before the man, and I was walking after him, and I saw that there were two clergymen. I only recognised one of them, and that was Mr. Furlong. I was behind Mr. Perse, and the man was just going on the table to vote at the bench, and he stopped suddenly just as if he was chained to the ground.

2950. Did you notice anything being done to him by either of the priests?—I cannot say I am sure, that anything was done to him.

2951. You say he was in the act of ascending the table?—Yes.

2952. And he stopped abruptly?—Yes, just as if he was caught hold of (but I do not say he was); just as if he was shot. I was watching him the whole time.

2953. Did he go away without voting?—He did.

2954. Did he say anything?—He said, "I cannot vote sir," or something like that. I do not know whether those were the words.

2955. Were the priest close to him at the time?—Quite close to him; against him; one on either side of him, as well as I can remember.

2956. Had you heard anything that passed between that man and Mr. Perse with reference to his vote?—No.

2957. And you are able to say that he went away without voting?—I saw him leave the booth then. There was a crowd in the booth at the time; he went into the town. I do not know whether he went back or not.

2958. Are you able to say whether you saw either of the clergymen make any sign or put

their hands in any way in a significant manner to the voter?—No, I cannot.

2959. You were behind, you say?—I was behind, and Mr. Perse was in front.

Cross-examined by Mr. Mardnach.

2960. Were you close to Mr. Perse?—The voter was between Mr. Perse and me—Cogan.

2961. Were the priests one at each side of the man?—They were going through the crowd off and on, on opposite sides, either before or behind. They were on the right and left of him, on either side.

2962. Did you hear either of the priests speak to the man?—In the tally-room I heard one of gentlemen ask him where was the ticket he had.

2963. Did you see that ticket?—No.

2964. Then you had not seen anything occur between Mr. Perse and the voter as to that ticket?—No.

2965. And you heard nothing upon that subject?—Nothing but what I heard from Mr. Perse. He told me that he tore the ticket up.

2966. Did you see Mr. Perse give him a white ticket in place of it?—I saw the agent in the tally-room give him a ticket of Captain Trench's.

2967. When you first saw the man, was he as it were moving towards the table to record his vote?—I did not see him till he came back to the hotel—to the tally-room. In the first instance, I was not in the polling-booth in the first place. I saw the man with Mr. Perse, and he came back to get him Captain Trench's ticket.

2968. Then the first place where you saw the man that day was in the hotel?—In the hotel, to my knowledge.

2969. And that was before you and Mr. Perse went to the polling-booth?—Yes.

2970. Mr. Perse had brought him into the hotel?—He followed Mr. Perse into the hotel. Mr. Perse was then going to get one for himself, and this man Cogan sat one, and the man went quite contentedly, as I thought, with him. I know the man.

2971. And you went with him?—I went with him, in company with Mr. Perse.

2972. Had you exerted yourself upon the occasion of this election?—I asked a few of my father's tenants in that sort of way.

2973. That is to say, that you canvassed the tenants?—Yes, I asked his tenants to vote.

2974. Did you bring up your father's tenants?—No, they were brought up for him.

2975. Not by you?—No.

2976. You had canvassed them?—Yes.

2977. You had solicited their votes?—Yes.

2978. What did you tell them they had a

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—

Mr. right to do?—I asked them to vote with my father.

2878. With their landlord?—Yes. Before-hand some of them promised to do so, and then did not; others said they would stop at home, and would not go at all, and one man told me the afternoon before, about four o'clock, that he would come down and even stay in the yard if we liked, and would not go at all, and he was the very first man I saw when I went into the town of Portman.

2880. Did you see him vote?—No, I did not see him vote. He offered to go down into the yard, and stay there and be locked up, in fact; he promised so faithfully that he would not go to the poll.

2881. So that he led you to think that he was so sure to poll for you that it was superfluous to lock him up?—No, he promised to stop at home, so that nobody could bring him.

2882. And you refused to take that offer of his?—I said there was no necessity for that; if he gave his promise I thought he would keep it.

2883. Did you give any drink to the tenants?—No.

2884. Upon that occasion?—No.

2885. Upon the polling day?—No.

2886. On the day before?—No.

2887. At all?—No; at least, I may have given them a treat several times when I have met them, but not before the election.

2888. The week before, we will say?—No, nor for a month before that I can remember of my own knowledge.

2889. After the polling did you give them any?—No, I do not think I have given a drink to one of them since. I am certain I have not.

2890. Were you present when they received it?—No.

2891. Where was it that you gave them the treat before the election?—Several times. They are herds, two of them, and when they were at fairs I have given them a drink.

2892. In the public-house, I suppose?—In public-houses; not in the street.

2893. Were you canvassing at that time?—No.

2894. When did you begin to canvass?—I do not know; in September last, I should say.

2895. In September 1871?—I think so. I will not be certain; about that time.

2896. Were you at the Loughrea meeting of the gentlemen?—No.

2897. I suppose that you knew of the meeting?—I did.

2898. Did you get one of the circulars?—No, my father did.

2899. One of those printed papers which we had here?—I was not in court yesterday.

2900. Did you treat any of the voters in October?—I do not think I did. No, I will not be certain. I might have done, but to the best of my belief I did not.

2901. What would you say about November?—I do not know.

2902. Did you treat any of them in November, before Christmas?—Not to my knowledge; I do not remember it.

2903. In December?—Certainly not.

2904. Certainly not in December; you are not sure as to November and October?—As well as I can remember, I do not think I did.

2905. But you cannot undertake to say posi-

tively that you did not?—I will not say I did not; but to the best of my belief, I did not, as well as I remember.

2906. I may have misunderstood you; I understood you to say that you did not give any on the polling day, nor the day before, nor the week before, nor for a month before?—I think I said that.

2907. Then do me the favour just to reflect upon it; did you or did you not, a month before the 6th of February, give drink to the voters?—No, I did not.

2908. Then are you mistaken in your recollection when you say that about a month before you gave it?—As well as I remember, I did not say that I gave it at all, only that I might have done; but to the best of my belief I did not give any for a month before the election.

2909. That will carry us back to the 1st of January?—The election was the 6th of February.

2910. Can you recollect whether you gave drink to the voters in January?—I did not, to the best of my belief.

2911. In December, did you?—I will not be certain, but to the best of my belief I did not.

2912. To the best of your belief, did you or did you not, give drink to the voters in November?—To the best of my belief, I did not; I do not remember upon any occasion giving them drink for the last couple of months or so before the election; I do not remember giving drink to any particular voter, or to any voter to my knowledge.

2913. Two months before the election would bring us to the early part of December; now is November and October?—I cannot remember so far back; every drink I give I do not note it down in a pocket-book.

2914. I do not suppose you would; I had not the least idea of that; how often had you brought them into public-houses in October and November?—I do not think I ever brought, to the best of my knowledge, any voter into a public-house in October and November to give them a drink; I do not remember bringing them at all.

2915. Finding them in, did you treat them?—I have no recollection of finding them in, either.

2916. Do you know anything about a person of the name of Shino, who kept a public-house; you do not know that part of the country; is that the state of your memory now as to treating the voters, that you do not remember?—Do not remember what?

2917. That you do not remember treating the voters?—I do not remember treating the voters; I swear that positively.

2918. Will you swear that you did not?—No, I will not.

2919. You began to canvass for Captain Trench in November; will you swear that you did not treat a single voter after September?—I will, I think, I think I will; I will not be certain, not with the knowledge of his being a voter I did not.

2920. You are in a state of uncertainty about it?—Yes.

Re-examined by Mr. Serjeant Armstrong.

2921. As well as I understand you, some of your voters happen to be herds in your father's employ?—Yes.

2922. If

3022. If you met them at fairs or markets in the way of business, you would give them a drink?—As servants.

3023. Mr. Macdonagh.] Was there a dinner given to the voters at the hotel at Portmanna on the day of the polling?—I had some luncheon there; there was luncheon there for anyone who liked to take it.

3024. Did you see the voters there?—I did.

3025. Was there a dinner given them?—I do not know whether it was given to them or not; I had luncheon there, and I did not pay for it.

3026. Did they have luncheon there?—I do not know, I will not be certain; there was such a concourse of people going in and out of a large public hotel, that I cannot recollect seeing any voters eating luncheon; it was a large room; the hotel was crowded.

3027. Did not your father pay for it?—Not to my knowledge.

3028. Mr. Serjeant Armstrong.] I suppose a polling day is not necessarily a fast day?—No.

3029. People must eat and drink then?—I think so.

3030. So does everybody else, except my learned friend, Mr. Macdonagh. When you meet a herd or a servant in your father's employment, would you give him a treat?—I would.

3031. Are you the young heir?—I believe so; I am Eyre by name.

3032. That being the case, that you are Eyre by name and heir by nature, did you ever give any voter drink as a voter, to get round him and get his vote?—Certainly not.

[The Witness withdrew.]

DANIEL LYONS, sworn; Examined by Mr. Murphy.

3033. You are a tenant of Lord Dunsandle's?—My father is.

3034. In what part of the county does your father reside?—Beyond Athenry.

3035. Previous to the election, did any people visit that part of the country who were strangers to you?—There was a party that knocked at my father's house at a late hour one night.

3036. Where were you at that time, were you in your bed?—I was.

3037. Did anyone in the house get up to answer the knock?—I got up, and I felt them run away before I got up.

3038. Did you do anything yourself?—I did not.

3039. Had they said anything before they ran away?—They only gave a knock; there are two doors to the house: one knocked at the front, and another knocked at the back door, with either a stick or a whip.

3040. Did you see them running away?—No.

3041. Were you able to conclude whether there were many people there?—I could not say, I did not see them.

3042. Was there anything posted on your father's door?—Yes; the next morning I got a notice posted on the door.

3043. Look at that (*holding a paper to the Witness*). Did you find that notice posted on the door?—I did. I found that (*holding back the paper to the learned counsel*).

3044. It is in these terms: "Take notice, if you vote for Treach, you will get to know the result of it before many days. Let no bribery tempt you to do it, or if you do, Rory will soon give you a call. Good night." Was that subscribed to it?—Yes.

3045. Your father is a voter, I suppose?—Yes, he has a vote.

3046. Have you a vote yourself?—No.

3047. Did your father vote at all?—No.

3048. What was the nearest polling place to your father's residence?—Loughrea.

Cross-examined by Mr. Macdonagh.

3049. About what time did you get that notice on the door?—I did not take down the day of the month, but I think it was between 10 and 15 days before the polling day.

3050. Do you know the handwriting of it?—No. I mean that I do not know the man that wrote it.

3051. Are you a judge of handwriting?—If a 241—I.

man writes to me for a few times I know his hand writing.

3052. Did you ever see any handwriting like that before?—To the best of my knowledge and belief, I did not.

3053. Do you write yourself?—Yes.

3054. Does your father write?—Yes.

3055. Have you any other members of your family?—Yes, I have a brother.

3056. Does he write?—He does.

3057. Did you tell Lord Dunsandle, your landlord, that you got the notice?—I got this on Sunday, and I went up on the Monday morning and handed it to Mr. Daly.

3058. That is your landlord's agent?—Yes.

3059. And you told him, that having got that, it would not be pleasant to vote?—I did not speak about voting. I have no vote. I never told my father about it until after I handed it to Mr. Daly, and then I told my father.

3060. You carried it to Mr. Daly, and afterwards informed your father of it?—Yes.

3061. Why did you not tell your father at first?—For fear he might be frightened. I did not care much about it.

3062. You were not frightened?—Not a bit.

3063. Are you a less timid man than your father; is he not just as good a soldier as you are?—Indeed he might be better.

3064. The crowd that was outside the door ran away when they heard you coming to the door?—They did not hear me coming to the door; they ran when they knocked.

3065. It did not appear to you that there was a dangerous mob from Westmeath at all?—No; I did not think they were very dangerous when they ran.

3066. How many people were there there?—I cannot say.

3067. Are you prepared to swear that there were three people there?—I would not.

3068. Nor two there?—No.

3069. Then it might not be a mob at all?—No.

3070. Did you see the word "mob" in your direct examination?—No, I said there were parties.

3071. Are you prepared to swear that there was more than one person there?—No, I will not.

3072. What night in the week was it?—It was a Saturday night.

3073. Is that a market day or a fair day?—It is a market night in Galway.

3074. And people coming home from market, I suppose,

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D. Lyons. I suppose, occasionally pass your door at night?—They do; any parties that were coming beyond would pass by.

3075. It seems that the notice was guarding against bribery. I suppose that you would not be capable of taking a bribe, would you?—I was not offered it.

3076. Then you were not tempted?—No, I was not.

3077. I suppose that you would consider it a great crime to take a bribe?—Yes.

3078. Nothing would induce you to take a bribe?—Well, I do not think I would take a bribe.

3079. So you think the notice quite useless addressed to a voter of your incorruptible principles?—It was not intended for me; it might have been useful for my father and brother.

3080. Might they take a bribe?—I could not tell.

3081. Were they suspected at the time of a disposition to take a bribe according to your own views?—I could not answer that question; my candid opinion is that they would not take a bribe.

[The Witness withdrew.]

JOHN LYONS, sworn; Examined by Mr. Perce.

J. Lyons. 3082. Do you remember last January anyone coming to your house at night?—I do not recollect the time.

3083. But before the election?—Yes, I do.

3084. At night?—I recollect.

Mr. Justice Keogh.] Is this the father of the last Witness?

3085. Mr. Perce.] Yes, my Lord. (To the Witness.) Do you remember hearing people come about your house?—No, I did not hear them.

3086. Did you hear anybody's voices outside the house?—I did not hear it.

3087. Did you ever see that letter before (handing a letter to the Witness)?—I never saw anything like it before this.

3088. Are you a voter?—Yes, I am.

3089. Did you vote at the election?—I did not vote at the election at all.

3090. Did you ever promise to vote?—I did.

3091. Whom did you promise to vote for?—Lord Dunsandle asked me to vote for Captain Trench.

3092. Did you say that you would?—I did.

Cross-examined by Mr. Macdonagh.

3093. When did Lord Dunsandle ask you to vote for Captain Trench?—Some time before the election.

3094. How many months?—I could not exactly say. It was less than a month.

3095. Did he come to your house?—He did.

3096. Was his agent with him?—He was.

3097. Was the bailiff with him?—No.

3098. Tell us the conversation which occurred between you and Lord Dunsandle in the presence of the agent?—He told me that he came to ask me to vote for Captain Trench, and that is all the conversation that I recollect.

3099. What was your answer?—My answer was, that I told him I would do what he recommended me to do, and asked me to do so.

3100. Did you receive any message; did the bailiff come from Lord Dunsandle to the tenants

afterwards?—I never received a letter nor any directions from any man; from the bailiff, nor anybody else.

3101. Then the bailiff never came to you afterwards?—No.

3102. You are quite sure that you received no directions to stay at home from Lord Dunsandle?—No; I got no directions from him.

3103. Nor from the bailiff?—Nor from the bailiff.

3104. Nor from the agent?—Nor from the agent; I got no directions from either of them.

3105. I think you said you never saw that letter before?—I did not; I never saw it in my life before this.

3106. And you heard no more that night?—I did not.

3107. And you were not frightened?—It might be that I was fast asleep, and I would hear no noise whatever; I did not hear a word *pro me* or *con*.

3108. You did not go to the poll?—I am a little hard of hearing.

3109. I will try to speak louder for you?—I will try to understand you, if I possibly can.

3110. What was your polling place; if you wanted to vote, where would you go to?—I did not choose to get up at three o'clock in the morning, and I did not go and vote for anybody; that was all the reason I had; indeed it was.

3111. You had some regard for your own comfort, and you would not get up at three in the morning?—I did not.

3112. I suppose that your wife would not let you get up; she is anxious for your health?—She would not prevent me if I chose; if I chose I would get away; I would not get up at three o'clock and go 15 or 16 miles to Ballinasloe, and so I stayed at home.

3113. That was your reason?—Yes, that was my reason.

3114. And nobody prevented your going if you liked?—No.

[The Witness withdrew.]

MR. WILLIAM DALY, sworn; Examined by Mr. Sergeant Armstrong.

Mr. Daly. 3115. Are you agent for Lord Dunsandle?—Yes.

3116. I believe there are about 160 voters on his estate?—Between 150 and 160.

3117. Did you and Lord Dunsandle, or you on his behalf, solicit those men for their votes for Captain Trench?—Yes.

3118. About how many promises did you get?—They all promised, with one or two exceptions; about 150 promised, but I did not see the whole of them; there were a few I did not see.

3119. Will you tell me about how many of them voted for him?—I think only six.

3120. Do you recollect young Lyons showing you a threatening notice which he said he found on his father's door?—Yes.

3121. Is that (handing a paper to the Witness) the document that he brought to you?—Yes, that is it.

3122. What chapel were you in the habit of attending up to the agitation about the election?—Kiltulla Chapel.

3123. Did

3123. Did you desist from attending there?—Yes; I went to another church.

3124. Had you reasons for ceasing your attendance at your usual parish chapel?—Yes; I heard that the clergyman was going to talk about the election, and I did not like attending there when a political matter was spoken of in the chapel, so I went somewhere else.

Cross-examined by Mr. McDermott.

3125. You say that Dan Lyons gave you that notice?—Yes.

3126. Did he tell you, when he handed you the notice, that he did not think much about it?—I do not think I asked him; he gave me the notice; I was going out shooting, I and put it in my pocket, and looked it up.

3127. Did he tell you why he brought it to you?—I brought it to me and said he wished I would give him a gun for his protection; he was afraid that the people might come to his house; I was going out shooting; he said, "Well, I wish you would give me a gun, it would be a great protection to me;" it might be a few minutes after seeing the gun in my hand that he said some words to that effect; he said, "I wish you would get his lordship to give me a gun."

3128. And then he produced the notice as a reason for it?—He gave me the notice before that.

3129. Did he tell you that he had not shown the notice to his father?—No.

3130. Could you fix about the time when that was?—I think it was about the middle of January; I could not exactly say the date.

3131. Did you ever speak to his father about the notice afterwards?—Never.

3132. Did you ever speak to anyone of the family about the notice?—No.

3133. You just put it in your pocket?—I just put it in my pocket.

3134. And thought no more of it?—And thought no more of it.

3135. You say that only six of the tenants voted for Captain Trench; I suppose those voters were all of the Catholic religion; No; I think the six that voted were Protestants.

3136. I mean the 154 that did not vote for Captain Trench; I presume they were Catholic voters?—Yes.

3137. Did they actually vote for Captain Nolan, or did they stay at home?—A great many; nearly all of them voted for Captain Nolan.

3138. And some few stopped at home?—Yes.

3139. Did you yourself personally canvass all those tenants?—Yes.

After an Adjournment.

Mr. JAMES O'BRIEN, sworn; Examined by Mr. Sergeant Armstrong.

3150. ARE you a tenant of Lord Dunsandle?—I am.

3151. Did he ask you to vote for Captain Trench at the last election?—He did.

3152. Did you promise that you would?—I promised him that I would.

3153. After that do you recollect any people coming to your house that night?—Yes; my window was knocked out. I was asked to vote for Captain Trench; and my answer was that I would vote for Captain Nolan; which I did.

3154. Do you know whether it was one person, or more than one, who were outside when 241—L.

3140. Did you canvass them more than once?—Yes, more than once.

3141. How often were you at the house of John Lyons, the father?—Only once.

3142. How many times did you go to the other people's houses?—Once.

3143. I thought you said that you went more than once?—I met them in December, I think it was, and I asked them personally and individually if they would vote; that Lord Dunsandle would be much obliged if they would give him their votes; that he was going to support Captain Trench; and they all said "Yes."

3144. Did you, in fact, canvass them, after the Loughrea meeting?—Yes; after the Loughrea meeting, I think; yes, it was after the Loughrea meeting.

3145. What did they say then?—A great many of them said they were afraid they could not keep their promise.

3146. Afraid of what?—Some of them said they would not go against their priests; others would not go against their creed and their country, and some of them gave me no reason. I did not ask them when they refused me; I said nothing, but went off.

3147. This, you think, was after the Loughrea meeting?—This was after the Loughrea meeting.

Re-examined by Mr. Sergeant Armstrong.

3148. Some of them said they were afraid?—Yes, afraid of mobs; and that they were afraid of intimidation; that they did not know what would happen if they were going to market. One man told me he was met by two people coming out of Athenry, who told him to take care what he was about, and not to vote for Captain Trench. There were eight or ten voters together, and I asked them whether they would vote for Captain Trench, and they said "No," and I made some remarks, and one man said, "Oh, Mr. William, you want us to have the blood of St. Ruth upon us."

3149. Young Lyons was speaking about the gun; what did young Lyons say?—He said that there were mobs going up and down the road in his village constantly, and that he thought if he had a gun it would be a great protection. He would feel much more comfortable if he had a gun in his house. I said I did not think he would get one. I saw no necessity for his getting a gun, and I refused him.

[The Witness withdrew.]

they were at the window?—I could not say whether there were one, or two, or three.

3155. Did you hear a voice?—I did.

3156. Were you in bed at the time?—Yes.

3157. Did you get up?—No.

3158. Did they speak through the window?—Yes.

3159. What did the voice say?—They desired me not to vote for Trench, and I said that I would not.

3160. And did you vote against him; did you vote for Captain Nolan?—I did.

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3161. About

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J. O'Brien.

- Mr. J. O'Brien. 3161. About what time of night was it?—About one o'clock.
3162. The dead hour of the night?—Yes.

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Cross-examined by Mr. Macdossagh.

3163. When was it that you promised Lord Dunsandle to vote for Captain Trench?—It was early, about the 24th of December, I think. I promised the agent in his office.

3164. The agent is Mr. Daly, I suppose?—Yes.

3165. Had you gone to pay rent?—Yes.

3166. And you being there, he asked you to vote for Captain Trench?—Yes.

3167. You knew nothing about the other candidates at the time, I suppose?—Captain Nolan was speaking to me, and I said that I would do whatever my landlord would recommend me in that way.

3168. That was the answer which you gave to Captain Nolan?—Yes.

3169. When did this voice address you; about what time?—I do not know the exact date; it was a Saturday night. I kept no account of the date.

3170. It was in January, I suppose; how near to the election was it?—It was before the election.

3171. How close to the election was it?—I cannot say exactly; about a fortnight or so. I cannot say exactly what time.

3172. You were awakened out of your sleep at night, and you heard a voice?—Yes.

3173. What did the voice say?—The voice desired me not to vote for Captain Trench; and I said that I would not, and that I had promised to vote for Captain Nolan.

3174. And that you would?—That I would, and I did, and I would again if I was required.

3175. Are you a Roman Catholic?—I am.

3176. Did you know that he was a Roman Catholic?—I knew that Captain Nolan was.

3177. Did you know that Captain Trench was a Protestant gentleman?—I did.

3178. Did you know that the family of the Nolans had been a long time in this country?—I did.

3179. And that they had always been a Roman Catholic family?—I knew that.

3180. Did you vote according to your conscience and your belief?—I did.

3181. And would you prefer that a Roman Catholic gentleman should represent you rather than a Protestant?—Yes; and if left to myself I would vote for a Roman Catholic in preference to a Protestant.

3182. That is, if your landlord did not interfere with you?—If my landlord did not interfere with me.

3183. You would vote according to your conscience and your religious belief?—I would.

3184. Do you know that a question of very great importance in the estimation of the Roman Catholic clergy of Ireland, namely, their right to educate their own young people according to their own religious views, was a question engaging popular attention?—I heard of it; I did not study it.

3185. Is it your opinion that the children of Roman Catholics, whilst they are to get secular education, ought to be taught the principles of their own creed?—It is.

3186. And that religion and education should go together?—I do think so.

3187. Were those your principles and views?—They are, and were.

3188. I hope that the voice did not alarm you?—No, it was not the voice which made me vote as I did vote. I went with the people.

3189. And what you believed were the sentiments of the majority of the people of Galway?—Yes.

Re-examined by Mr. Sergeant Armstrong.

3190. Was there no mob at all in your neighbourhood?—I saw people walking on the road.

3191. And you were afraid of them?—I was afraid of them.

3192. Who told you of the importance of having your child educated in the Roman Catholic faith?—I read it in the newspapers.

3193. Were you at mass?—I was.

3194. Did you get any advice?—I would be guided by the priest.

3195. Who was he?—Father Kelly.

3196. Father Kelly called upon you, to do what?—To vote according to our consciences, I suppose.

3197. What did he say?—He said nothing; and he did not press them, or anything else.

3198. Provided they voted according to their consciences?—Yes, as the country was doing.

3199. Did he say anything about the priests?—No.

3200. Or about the bishops?—No.

3201. Or about hell?—No.

3202. Or about small-pox?—No.

3203. Or about anybody who would vote for Trench?—No.

3204. Did he say that he was ordered to explain to the people?—He did not; he asked them himself.

3205. Had he directions to explain to the people; did he address a long sermon to them?—He did.

3206. Did he address them about the election?—No, he was not addressing them about the election.

3207. Did he take down their names?—He did; he went round to the neighbourhood, and he said that they ought to give him their names.

3208. Had you given him your name at the time that you had promised Lord Dunsandle to vote?—No.

3209. Was it after the fellows came to your house at night that you changed your mind?—No, I had changed it before, and my conscience also went with it.

3210. Do you mean that you would vote for a Protestant?—No, I do not mean to say that.

3211. What is your opinion?—My opinion is that the Trench family were always opposed to our religion, and I considered it fair for me to vote against them.

3212. Was it in the newspapers that you saw that?—Yes.

3213. Have you read Father Lavelle's speech?—I have not read it.

3214. Did you read that Sir Thomas Burke was called a liar?—I believe that he was a good Roman Catholic, and a good landlord.

3215. And that he was no liar?—I believe he is no liar.

3216. Did you attend any of the meetings?—No.

[The Witness withdrew.]

Mr. PETER FLANAGHAN, sworn; Examined by Mr. Murphy.

3217. Who is your landlord?—Lord Dunsandle.

3218. Where do you live?—At Triwan.

3219. Do you recollect, before the election, hearing any noise at your door at night?—I do.

3220. What did you hear: was it the sound of voices?—Yes, the sound of voices.

3221. What was it that you say you heard, the sound of voices?—Yes.

3222. Were you able to distinguish the sound of many voices?—There were only two speaking.

3223. Did they knock at your door?—They did.

3224. What did they say?—They called and asked, "was it here Peter Flanagan stopped," and I answered said, "that it was."

3225. Were you in bed at the time that they came?—Yes.

3226. Did you get up to answer them?—No; I sat up in my bed, and answered them from where I was.

3227. When you said it was, what further was said?—That they were informed that I was going to vote for Captain Trench, and I told them that whoever informed them misinformed them, and they said, "Let us not have to come here again." They walked off then from the road.

3228. And you saw no more of them, I believe?—No.

3229. And you had not any wish to see any more of them, I suppose?—No.

3230. Did you vote at all?—No.

3231. Had you said anything as to how you would vote, to Mr. Daly?—I had.

3232. How had you said to Mr. Daly that you would vote?—He asked me for my vote. I said that I would go with them.

3233. As you had always done before, I suppose?—Yes.

Cross-examined by Mr. MacDermot.

3234. You say you always voted with the Dunsandles?—I did.

3235. Did you ever vote for a member of the Clancarty family before?—I did.

3236. For whom did you vote?—For Lord Dunsandle.

3237. At the previous election?—Yes.

3238. You say that you told the two voices that they were misinformed, when they said that you were going to vote for Trench; had you then made up your mind that you would vote for Trench?—No.

3239. When had you made up your mind to vote for Trench?—It was long after that; I could not exactly say when.

3240. How long before the election was it that this occurred?—I cannot say.

3241. Was it a fortnight before the election?—I think so; I cannot be sure.

3242. How soon after it occurred did you tell Mr. Daly about the visit which you had had?—

I did not tell Mr. Daly at all; some other party came to me.

3243. Who was the person that told him?—I do not know exactly; I believe it was Lyons.

3244. Did you receive a visit on the same night that Lyons got that pester on his door?—Yes.

3245. How long after you heard the voices was it, that you made up your mind to stay at home?—I could not say.

3246. Was it a week afterwards?—I could not say. I did not take it down.

3247. Are you a Catholic?—I am.

3248. Do you prefer voting for a Catholic or for a Protestant?—According to what I see, I would vote for a Catholic before a Protestant.

3249. If your landlord had not interfered with you, would you have voted for Nolan or Trench?—If no man interfered I would sooner take Nolan.

3250. Do you not think that that was the view of most men around?—I cannot say what is the view of another man.

3251. Supposing that no man interfered, do you not think from what they were saying to you, that they were prepared to vote for Nolan instead of Trench?—Yes.

3252. You have no doubt about it?—No.

3253. And were you sorry that you could not vote for Nolan?—I should like to oblige them.

3254. Were you sorry that you could not vote for Nolan?—I do not know.

3255. Would you be glad if your landlord sent you word that you could do what you liked?—Yes, and I should go for Nolan.

3256. And would not you be glad to do it?—I would.

Re-examined by Mr. Murphy.

3257. You say that you were asked whether you would vote for a Catholic or for a Protestant; would it matter much to you whether your landlord was a Catholic or a Protestant; I suppose that you would not mind it one bit?—It would be according as he was.

3258. I suppose that if the rent was 3/1 an acre to a Protestant, you would not prefer paying 3/1 1s. to a Catholic?—I should take the cheapest man.

3259. Would you not judge of his religion chiefly by the low rent; the lower the rent the better the man; is not that the case?—That is the case.

3260. And no matter what his religion was if he was a good man?—If he was a good liberal Protestant, or a good Catholic, I would vote for him if he was of good principle and liberal to the tenant.

3261. That is the proper liberal view?—Yes.

3262. The Dunsandles were always good landlords to you?—Very good.

3263. And you were always ready to oblige them?—I would always oblige them if I could.

[The Witness withdrew.]

Mr. LAUNCELOT MANGAN, sworn; Examined by Mr. Pease.

3264. I BELIEVE you are an extensive Miller and Baker?—I am.

3265. Are you a tenant of Lord Gough?—Yes.

3266. Previous to the last election had you promised any one to vote for Captain Trench?—I had stated that I would vote for Captain Trench on certain conditions, when he was first propounded as a candidate, when I first heard of his name; he was for denominational education, and for so much of Home Rule as was obtainable, and he stated that he would take no situation under any Government, Whig or Tory; and I stated that I would certainly vote for him, and that I thought that he would be a great acquisition for Galway from such a bigoted family to expose these sentiments, and there being nothing

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Mr. L. Morgan. to say against him, and I wished to be guaranteed that he would not desert people who took up his cause. I stated this at first, when I was asked what I thought of him.

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3267. Notwithstanding his many qualifications, I believe that you did not carry out your intentions to vote for him?—No.

3268. Can you state your reasons for not having kept your intention?—Father Kemmy called upon me on business, and he stated that my establishment in Loughrea was ruined in consequence of my having promised to vote for Trench. I said that I could not believe it possible. I said that it was not the case. He said that he could not himself prevent persons. I asked him why; and he said that he could not prevent a man of the name of Gleeman, who took about 20*l.* a month from the Loughrea establishment. He mentioned three or four other persons, and when the carrier came I desired him to call on Gleeman, and he said that he would not buy any more; he said that he would not buy any more from me.

Mr. Macdonagh.] My Lord, I must object to this.

Mr. Justice Keogh.] That is objectionable, if you object to it.

3269. Mr. Perce.] After this conversation with Father Kemmy, did you find any diminution in the number of your customers?—Yes; those persons whom Father Kemmy named ceased to deal, and a great number of others canvassed many persons not to deal.

3270. Mr. Justice Keogh.] You cannot say that, because you were not present at it?—No, my Lord.

Mr. Justice Keogh.] I have the fact that the persons whom Mr. Kemmy named ceased to deal. The Witness cannot be asked as to what did not occur in his presence.

3271. Mr. Perce (to the Witness).] There was a sensible diminution in your business?—Yes. No other clergyman at all interfered. I could not say anything of the clergymen except what was respectful.

Cross-examined by Mr. Macdonagh.

3272. Where does Father Kemmy officiate?—At Kilchriest.

3273. Have you seen him here since this inquiry?—Yes; I saw him passing in the court.

3274. If I collected you aright, you did not promise absolutely and categorically to vote for Captain Trench; you did so on certain conditions?—Only on certain conditions, which conditions Lord Gough said he would carry out.

3275. Was it in person that Lord Gough applied to you, as your landlord?—No. When the agent heard that I had been speaking to one or two tenants to whom I had been speaking, Pat Davison one day, by Lord Gough's agent's door, asked me whether I had any objection to Captain Trench, knowing that I was favourable to him; and I said not the least. He asked me would I write down that; I said yes; and he gave me a sheet of paper, and I wrote my name upon it. It was a list of the voters, and where my name was on the list I put my initials, or my full name, I forget which.

3276. About what time was it?—It was about a fortnight or three weeks after I first spoke.

3277. About what time?—Sometime in January.

3278. Was it after that that you were invited to go to Lough Cootey?—It was.

3279. And you saw Lord Gough personally?—I did.

3280. Did you receive a circular, as one of Lord Gough's tenants?—No, I did not.

3281. Did you see any such circular?—No.

3282. It was orally, and not in writing, that you got assured, then, that Captain Trench would undertake not to accept a situation from any Government?—Yes; but I stated, "From either Disraeli or Gladstone." He stated that he would put it into his address, and Mr. French subsequently put it into his address.

3283. Are you perfectly clear about that?—I am.

3284. I think that you are mistaken?—I read it but once; but, to the best of my recollection, that is in the address.

3285. Do you mean to tell me that it was in the address that he would not accept a situation from either Gladstone or Disraeli?—I mean that I read in Captain Trench's address to the voters of the county Galway that he would not take a situation from either Disraeli or Gladstone.

3286. You think that you read that?—I do.

3287. Lord Gough gave you a notice that Captain Trench would insert in his address a distinct promise that he would not accept a situation either from Gladstone or from Disraeli?—He did.

3288. If that promise had not been carried out, you would not have voted for Trench?—No; but I believed that it would be.

3289. And acting upon the faith of that you made the promise?—I did.

3290. And if it should turn out that there is no such statement in the address, you would not vote for Captain Trench?—No; I state what Lord Gough said, I believe; namely, that he would not take a situation either from Disraeli or Gladstone.

3291. And is that in the address?—I believe so.

3292. Did not Lord Gough undertake that that should be in the address?—Yes.

3293. And you believe that it was?—I do.

3294. I can assure you that it is not. Was not the next thing that he should also pledge himself to denominational education?—Yes.

3295. And do not you understand that to apply to education, both primary, elementary, and superior education, like the colleges; that there ought to be a college for the Roman Catholics?—I do.

3296. That is that the Catholics should have a university of their own to confer degrees; is not that your view?—Yes.

3297. And not a subordinate college?—Certainly not. Four millions of people should have a college.

3298. With full power to give degrees to the Catholic people and students there?—Certainly.

3299. And that it should not be subservient to the Protestant College of Trinity College?—Certainly.

3300. Or any other university?—Certainly.

3301. That is your view of pure denominational education?—Yes, we did not enter particularly into it.

3302. Is not that your view of denominational education in your intelligent mind?—In my mind.

3303. Do not you know that Mr. Trench's views are that there should be a subordinate college, subordinate to Trinity College, to the university;

university; and that there should be a college for the Catholics, which should be affiliated with a university; that you would not approve of?—No; but I think that those minor matters would be arranged. I think that the representative of the county Galway would give way on those minor matters, and would allow the whole action to judge for themselves; I think that he would as he advanced so far.

3304. Then you do know that in his address on the subject of denominational education, Captain Trench fell short of what appears to you to be denominational education?—When I read his address, although it might be more strongly worded, I did not consider that he should be censured in consequence of it. I thought that if he was elected he might still advance.

3305. Did you stipulate for Home Rule?—I said for so much of it as was obtainable.

3306. You would not have a parish vestry meeting in Dublin?—Certainly not. Lord Gough said that the Conservatives of these days were further advanced than the Liberals of former days, and he said, when "we get a certain portion of Home Rule we must be led on by degrees."

3307. Captain Trench would be led on to that extent?—Yes.

3308. And he would not be driven?—No, he would be led on by public opinion.

3309. You did give an absolutely categorical promise to vote for Captain Trench?—I did.

3310. On those conditions?—Yes; they satisfied me.

3311. And did you vote for Captain Trench?—No.

Re-examined by Mr. Serjeant Armstrong.

3312. I believe that the upshot of your evidence is this, that you promised upon certain conditions which you thought would be performed?—Yes.

3313. And you lost a large share of your business?—Yes; it is recoverable, and it is recovering.

3314. You lost a large share for a time?—Yes, but Father Kenny had an ulterior object of his own.

3315. What was that?—That was to get the establishment for his brother-in-law for a small sum.

3316. You have been asked a great deal as to your intelligent views upon denominational education; do you expect a professor of milling?—I expect a professor of engineering.

3317. Mr. Moodey. I am instructed to ask you whether Father Kenny's brother-in-law and you have not a litigation?—No.

3318. A dispute about a house in Longhrea?—No dispute whatever; he occupies rooms in my house, which he occupied before; he has a rent of 2s. a week to pay which he has not paid.

3319. And you of course are going to put him out?—Of course I am.

[The Witness withdrew.]

Mrs. BLANCHE LYNCH, sworn; Examined by Mr. Serjeant Armstrong.

3320. I BELIEVE you have been in the habit of attending the Roman Catholic Church in Athlery?—No, not generally; I generally go to Barna.

3321. But you have attended at Athlery?—Yes.

3322. With your husband?—Yes.

3323. Your husband is Mr. Marcus Lynch, a magistrate of the county?—Yes.

3324. And of course you are both Roman Catholics?—Yes.

3325. Do you recollect at the chapel of Athlery the Rev. Mr. O'Grady making a speech from the altar with reference to the election?—I cannot be sure that it was Mr. O'Grady.

3326. Was it the priest?—It was.

3327. Was he in his vestments at the time?—No, not when he spoke about the election.

3328. Was it after mass?—Yes.

3329. Had the congregation continued?—Yes.

3330. Was it the usual congregation?—Yes.

3331. Did he speak from the altar?—Yes.

3332. What did he say?—As far as I remember, he began by saying that he felt himself obliged to speak of the election, because he feared that the delicate state of his health would prevent his addressing the meeting on the next day for Captain Nolan; he then went on to say that at the election for the county two candidates would recommend themselves, Captain Nolan, and Captain Trench; he said that all good Catholics ought to vote for Captain Nolan, and that no true Catholic would vote for Captain Trench. He further went on to say that a century, or half a century ago, about 1,200 or 12,000 had been massacred for the sake of the

people, and that all those who did not follow the priests, or in point of fact vote for Captain Nolan, would have the blood of those priests on their heads. I do not remember what he said afterwards, but I know that very nearly his last words on leaving the altar were these: I do not remember any expression but one which struck me, and that was, "I hope that I will not hear of any of you Athlery people daring to vote for Captain Trench."

3333. Was any other announcement made by him that you recollect?—No, only of this meeting, and he said that he hoped everybody would attend.

Cross-examined by Mr. McDermott.

3334. Are you quite sure that you have an accurate recollection of everything that was said?—I cannot answer for the words, but I am sure that that was the substance.

3335. Was it 1,200 or 12,000 priests?—I cannot give the words.

3336. Did he say half a century ago?—I cannot be certain, but I am quite sure that 12 was mentioned.

3337. You said to Serjeant Armstrong that it was half a century ago?—I made a mistake there; I am perfectly certain that he used the word "century."

3338. Could he have said, from the time of Elizabeth?—I have heard from other people that he said Elizabeth.

Mr. Justice Keogh.] Do not tell us what other people said.

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3339. Mr.

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B. Lynch.
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3339. Mr. *M'Dermot*.] Were you here when Mr. Marcus Lynch was examined?—No.

3340. Was the word "Elizabeth" used?—My husband told me so lately. I have been led to believe that he said so.

3341. Would you be astonished if he said that within half a century, or a century, so many priests were massacred?—To tell you the truth, I felt so deeply at political matters being mentioned in the House of God, that I cannot state exactly what was said.

3342. With respect to his saying that the blood of those martyrs would be upon their heads?—He did not use the word "martyrs."

3343. Did he speak of the blood of martyrs being the seed of the Church?—The priests; he said that Captain Trench was a friend of that party who had had a large number of priests massacred.

3344. Do you remember his using the words that the faction, or the co-religionists of Captain Trench were the party to whom those persecutions were attributable in bygone days?—He may have done so, but I do not remember in what manner.

3345. Did you understand him to express himself that the Clancarty family ought not to be supported, because they were always hostile to the people?—Yes.

3346. Then he used those words which you have described as signifying that the priesthood in former times underwent great sacrifices for the

people?—Yes, and I also understood it as a threat to those who would not vote.

3347. Did you understand him as describing to the people all that the priests in old days had done and suffered for the sake of the people?—Yes, I think that what he dwelt upon more particularly was, that the Clancarty family had made the people suffer; I think that he alluded to that matter.

3348. Was not he conveying to the people that the priests had suffered a great deal for them?—Yes, I think so.

3349. Was he saying anything about the exclusion of the successors of those priests from politics in the county?—I do not understand that.

3350. Did he say anything about the Loughrea meeting?—No, but he spoke of a person who was at the Loughrea meeting.

3351. Who was that?—Sir Thomas Burke.

3352. Did he say anything about its being unfair to exclude the priests from grinding the people in those matters?—I do not recollect.

3353. In what connection did he speak of the blood of the martyred priests being upon those who would vote at this election for the Clancarty family?—He said that the Clancarty family were descendants of those who had massacred the priests, and that therefore those who did not show themselves friends of the priests had in some way to do, morally speaking, with those who had been martyred.

[The Witness withdrew.]

Mr. CRAWFORD ALLEN, sworn; Examined by Mr. Murphy.

Mr. C. Allen. 3354. ARE you an Agent over some properties in this county?—Yes.

3355. Over the property of what gentleman are you agent?—Henry Trench of Carron Park.

3356. Of the Trench family?—Yes.

3357. Do you recollect being in Ballinasloe previous to the late election?—Yes.

3358. How did you get into the town?—In a low carriage.

3359. Was anything done to you, or to the persons accompanying you, on proceeding into the town?—Stones were thrown at us.

3360. Where did the stone throwing commence?—About 200 yards from the court house.

3361. Were you under the charge of any escort at the time?—I was.

3362. Were there both military and police escorting you, or police only?—Police only.

3363. Were they mounted police?—Not at that time.

3364. Was the stone throwing considerable?—There were a good number.

3365. Did it increase as you went on, and become more violent?—It was about the same.

3366. Until when?—Until we got to the court house.

3367. Did it continue there?—No, not there.

3368. Had you any voters accompanying you at that time?—I had Mr. Muriel the clergyman, who was in my carriage with me; I had no voters.

3369. In addition to the stone throwing, was the shouting or booting considerable?—It was deafening.

3370. Proceeding I suppose from a large crowd?—A very large crowd.

3371. What was the crowd composed of; were the persons of all ages and of both sexes?—Of all ages and both sexes.

3372. Were you able to distinguish any of the cries which they directed at you?—I was not; there were so many of them, and so loud.

3373. How did you get away from the polling place; did you encounter a similar difficulty?—The escort remained behind by orders of the sub-inspector to get refreshment, and the two mounted police cleared the way for the carriage down the town, and I think behind.

3374. Were you received with the same salutations going down again?—The same.

3375. And was the same kind attention shown with respect to the stone throwing?—Yes, there was the stone throwing again, and there were other things.

3376. Other missiles I suppose?—I was sitting with my back to the crowd, because we drove down pretty fast, and the crowd followed us, and I was hit several times; but I could not say by whom it was.

3377. Did you see in addition to the stones, anything else which you were able to distinguish?—I saw dirt thrown.

3378. Was that the only day on which you had the satisfaction of witnessing this kind of conduct during the election?—Yes, during the time. At the shop where I put up for an hour or so, whilst the escort brought me in and refreshed themselves, we had to shut the doors on account of the crowd.

3379. They were threatening violence on returning?

turning?—Yes, the crowd became more dense as we left the town, and opposite the hotel it became very much so, and the horse became very restive, and they threw stones at the horse, and at that point the military also interfered, and put something across the road, which stopped the mob at that point, allowing the escort which accompanied me to follow on, and the dragoons clearing the disturbance on the Green, came on at the same time.

3380. And you then got outside under this escort?—Yes.

3381. You have mentioned a crowd at the shop; was it a considerable huddling at the door?—No, it was when I was proceeding from the court house.

Cross examined by Mr. Meadeagh.

3382. Were you a voter?—Yes.

3383. And did you vote?—I voted.

3384. And for Captain Trench?—For Captain Trench.

3385. Was the rector of the parish who accompanied you a voter?—He was.

3386. Did he vote?—He did.

3387. In your presence?—In my presence.

3388. And for Captain Trench?—Yes.

3389. It was an open carriage, I presume?—An open carriage, very low.

3390. Do you know what it was that struck your person?—It was on my coat, and at the hotel a stone struck my shoulder.

3391. I sincerely hope that you were not much hurt?—I was not.

3392. Did you see many other persons polling upon that occasion?—I saw the clergymen.

3393. And yourself; do you remember any other voters polling for Captain Trench?—No.

3394. Were you a second day there; did you go a second time to the town?—No.

3395. This was one day, and one day only?—Yes.

3396. Going to the poll, and coming out?—Yes.

[The Witness withdrew.]

Constable PATRICK O'DONNELL, sworn; Examined by Mr. Perce.

3397. I BELIEVE you are a sub-constable stationed at Kinkarra?—I am.

3398. Who was the priest who officiated at Kinkarra?—The Reverend Father Ford, and the Reverend Mr. Maloney.

3399. Did you attend there during last January on each Sunday?—I think that I did.

3400. Do you remember on any Sunday in January, the Reverend Mr. Maloney making any reference to the election, which might be secured?—On one occasion he made reference to the election, as I remember in his address from the altar to the congregation.

3401. Will you tell us the substance of what he said, as far as you remember?—As far as I remember, it was a day or two before the meeting in Gort; and in what I would call a strong speech; he spoke to the people with reference to their propriety in voting for Captain Trench; I cannot swear whether he told them to attend the meeting or not.

3402. Do you remember anything which he said in his discourse. Tell us the substance of it as far as you remember?—He said that all the Catholic voters should vote for Captain Nolan, and that Captain Trench had no claim on the votes of the Catholic people; that was the argument and the substance of the speech.

3403. Do you remember his reading a placard?—Yes; he read it after he made his speech.

3404. Do you know what was the substance of the placard?—No.

3405. Do you remember any expressions in it?—I remember that there was "Hurroe for Nolan and home rule!" I cannot swear to any other particular word on the placard.

3406. Did he say anything about what would become of the Catholics who voted for Trench or would not vote for Nolan?—He did not.

3407. Think and remember, and tell us any expressions which he used in the course of that speech towards the voters who would vote for Captain Trench?—To the best of my recollection, he held out no threat against any voter in that respect.

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3408. Did he say that they would be the enemies of their religion?—

Constable P. O'Donnell.

Mr. M'Dermot.] My Lord, I object to that.

Witness.] He did not say that they would be an enemy to their religion.

3409. Mr. Perce.] Tell us something which he said in the course of that strong speech about Captain Trench or the priests who would support him?—To the best of my recollection, he referred to the Trenches being Protestants, and that they did not deal, or had not dealt, kindly with the Catholic people, but anything farther I could not say; I could not recollect any particular words which he made use of in speaking so.

3410. Were you there on any other Sunday?—I was.

3411. Did you hear Father Maloney say anything on any other Sunday?—I do not recollect.

3412. Did you hear Father Ford?—I do not recollect that I did at that election, but I heard Father Ford make remarks at a former election.

3413. During January did you hear him say anything about the election?—I did not, because I was transferred from the station on the 8th of January.

3414. Tell us, on your oath, what justified your calling Father Maloney's speech a strong speech; what is your reason for calling it a strong speech?—

Mr. M'Dermot.] Does your Lordship think that, on direct examination, those reasons ought to be asked?

Mr. Justice Keogh.] I do not think that he ought to be asked them, but we have had so much of that line of examination already on both sides.

Mr. M'Dermot.] On cross-examination, my Lord, it is legitimate.

Mr. Justice Keogh.] Cross-examination does

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does not make what is illegitimate legitimate. I think that it is irrelevant, and if you object to it, I think that the question ought not to be put.

Cross-examined by Mr. M'Dermot.

3415. How long were you stationed there previously to this speech made by Father Maloney?—Very nearly seven years, except about two years that I served in the city of Cork.

3416. I understood you to say that he represented to the people that Captain Nolan was a Catholic gentleman?—Yes.

3417. And that Captain Trench was a Protestant, a member of the Clancarty family?—Yes.

3418. And that the Clancarty family had been kind to the Catholics, and that consequently Captain Trench had no claims on their votes?—That was the substance of what he said.

3419. You say that there was written on the placard, "Home rule and Nolan"?—To the best of my belief there was.

3420. You have been in that district for some time; are the Catholic voters in that district in favour of home rule?—Most of them are, to the best of my knowledge.

3421. And you saw the words "home rule" written on this placard, along with Captain Nolan's name?—To the best of my knowledge I did, but I did not read the placard through.

[The Witness withdrew.

Mr. DANIEL WILLIAM CRUICK, sworn; Examined by Mr. Sergeant Armstrong.

Mr.
D. W. Cruick.

3422. You are a resident in this county, I understand?—Yes.

3423. And a Roman Catholic?—Yes.

3424. Your place is Fairfield, I believe?—Yes.

3425. Do you recollect being in Killmacan Chapel on the 21st January last?—Yes, I do.

3426. Was the Rev. Father Coleman Galvin officiating there?—He was.

3427. Did he make any reference from the altar as to the coming election?—Yes, he did.

3428. Tell us, as fully as you can, what he said?—He said that he had only a few moments to address the people, as he had several prayers to read, and as regards the approaching election, that he had a few words to say. He said there were two candidates in the field; one was Captain Nolan and the other was Captain Trench. He said Captain Nolan was the chosen representative of the clergy and the bishops, and particularly of Dr. McHale, of Tuam, who was one of the greatest patriots that Ireland ever produced. He said, on the other hand, we had Captain Trench; that they all knew who Captain Trench was; that he was the son of Lord Clancarty, one of the greatest big game that Ireland ever produced; and that he hoped, in fact he was well aware, that no Catholic would vote for Captain Trench; that if he did vote for Captain Trench, he would be a renegade Catholic, and a black sheep in the flock.

3429. Did he say anything as to the posterity of those who would vote for Captain Trench?—He said that anyone who would vote for Captain Trench would be looked upon as a black sheep; and he said they were oppressors of our religion for centuries past.

3430. Did he say anything about the children of those who voted for Captain Trench?—He said that anyone who would vote for Captain Trench would be branded as black sheep, and that the children yet unborn would be looked upon as black sheep.

3431. Did you go to hear the warning on the next Sunday?—After that Sunday, as I intended to vote for Captain Trench, I said to my wife I would not go, but she said, "You must come to mass." "Oh, very well," I said, "I will."

3432. You went for better, for worse?—Yes; I had my mind made up to vote for Captain Trench.

3433. I suppose that was pretty well known in the neighbourhood?—I suppose some of the parishioners must have known it. I went the

following Sunday, and Mr. Galvin said that, since he had addressed his people on the Sunday previously, he had heard that a gentleman whom they all respected, and whom he respected, was to vote for Captain Trench, and if he did vote for Captain Trench, he would call him publicly from that altar.

3434. Whom do you think he meant by that?—I thought it very suspicious that it looked like myself; at least my wife thought so, and I said, "Perhaps not, it might be some other person." "Oh no," said she, "I think it is you."

3435. You are not a sheep, but you are black?—No.

3436. To that extent the argument prevailed?—Yes.

3437. How did you like that, to be called out from the chapel altar?—Well, I did not mind it much; of course, I would prefer not; at the same time I had my mind made up, and did vote for Captain Trench.

3438. And your lady had the satisfaction of listening to all this?—Yes.

3439. And did you vote for Captain Trench?—I did vote for Captain Trench.

3440. Have you children?—Six.

3441. Are they black-headed, do you think?—Rather fair, I think, like their mother.

3442. She is very fair, if she resembles the other ladies who belong to Galway; did anything happen to your pew?—Well, yes; my pew was broken, and torn out of the chapel.

3443. After this?—Yes, after this.

3444. Had anything of that sort ever happened to your pew before?—Never.

3445. Was this (handing a paper to the Witness) stuck up at your gate?—It was not on my gate; it was on the chapel gate (handing it back to the learned Serjeant).

3446. "Notice: we, the inhabitants of this parish, does not want the Renegade Catholic Dan Cruise foremost in our chapel; also, we won't have his wife sounding her nose, distracting us at prayer." Did she take the liberty of using a pocket-handkerchief occasionally?—I suppose she did, like any other lady.

3447. Was it about that time that your pew was pulled down?—Well, the Sunday after the election.

Cross-examined by Mr. Macdonagh.

3448. Where did you vote at?—At Ballinacree.

3449. Was it early in the day?—Early in the morning.

3450. How

3450. How far had you to travel?—Three and a quarter miles, or so.

3451. How did you go?—I drove.

3452. In your own carriage, I suppose?—In my own car.

3453. Was anybody with you?—My servant was with me.

3454. Did you remain in the town afterwards for any time?—No, I did not; I thought it safer not to; I went away early in the day from the town. I saw them excited, and as I had a lonely road to go home, and as I saw they were excited, I went to Dublin after voting.

3455. And in going to the town that day, and in coming back, you were not assaulted?—I was not assaulted.

3456. And you recorded your vote for Captain Trench, as you had promised?—I did.

3457. You said you told your wife that as you had intended to vote for Captain Trench you would not go to Mass?—Yes.

3458. Was it at the same moment that

you resolved to vote for Captain Trench that you resolved not to go to Mass?—No; I resolved to vote for Captain Trench some months before the election.

3459. Were you agent for anyone?—No, I was not.

3460. Whose tenant are you?—I am tenant to Mr. Crook, an English gentleman.

3461. Had you been solicited for your vote by your landlord?—Certainly not; I live on the borders of Lord Clanarey, and I am proud to say that I do not think a better landlord exists than Lord Clanarey. I was under many obligations to him, and I thought that if even his son did live in London I would vote for him; if we had another election, I would not vote at all; I would not wish for 20*l.* to be here this week.

3462. I assure you I would excuse your absence with great pleasure.

[The Witness withdrew.]

MR. OWEN LYNCH, sworn; Examined by Mr. Murphy.

3463. WERE you at Killeen Church on Sunday the 28th of January?—I was.

3464. Had you been there on the preceding Sunday, the 21st?—No.

3465. Who officiated on the 28th?—I think Father Kenny.

3466. The Reverend James Kenny?—I do not know.

3467. He is the parish priest there?—Yes.

3468. Do you recollect his speaking about the coming election?—Yes, I do.

3469. What was it he said that you recollect; as much of it as you can recollect?—At the commencement he said there was a "Sham a solagh" in every chapel on that day, and that the landlords were serfs, and should be put down, and then he impressed upon the people that by that he did not mean to shoot them.

3470. He said that they should be put down, and then he impressed upon the people?—That he did not mean by that to shoot them.

3471. Did he say anything about any person going in his absence round the parish?—Well, no; I did not hear him.

3472. Do you recollect whether, in any portion of his address, he referred to what he had said on a preceding Sunday?—Well, I do not think he did.

3473. Do you recollect anything more than that he said in reference to the election?—No, I do not.

3474. At what part of the service was it that he addressed the congregation in this way?—It was at the conclusion of the Mass.

3475. Had he his vestments on?—I think not.

3476. Mr. Justice Keogh.] Was it after the Mass?—Yes.

3477. Mr. Murphy.] Was it from the altar that he spoke?—He came down a little from the altar.

3478. When he spoke about the landlords, did he say anything about the landlords of different religions, or make any distinction?—I think not.

3479. What did he say?—As well as I recollect, he said that the landlords were serfs, and should be put down, and he impressed upon the

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minds of the people there that by that he did not mean to shoot them.

3480. I suppose you thought that a very salutary comment upon what had been said before?—Well, I do not know.

Cross-examined by Mr. Macdonald.

3481. My learned friend asked you whether you thought that that was a very salutary comment on what had been said before; how did the reverend gentleman say that the landlords were to be put down; you say that he impressed upon them that he did not mean physical violence?—Yes; by that he did not mean that they should be shot.

3482. What did he say that he meant by it?—He did not say more upon the subject.

3483. Did you understand him sincerely to convey to the people that he did not mean offering them physical violence?—I could not say.

3484. Do you know what is meant by, "Do not block his hat"; did you often hear that phrase?—Yes; and had my hat blocked too.

3485. You have heard people say, "Do not block his hat," when they meant, "Do block his hat"; do you think that it was in that sense that he said it?—I do not suppose it was, indeed.

3486. Are you sure he said that the landlords were serfs?—Perfectly.

3487. Serfs to whom?—I cannot say.

3488. Would he have said that the landlords desired to make the people their serfs?—I cannot tell; I know the word "serf" was made use of.

3489. Do you mean to say now, on your oath, that he said that the landlords were serfs?—He said that the landlords were serfs.

3490. You are quite sure about that?—Indeed I am.

3491. Are you quite as sure about all the rest of the observations as you are about that?—I am.

3492. And you are equally sure about that as about all the rest of the observations?—The words were as I repeated them before.

3493. What did you understand him to mean by saying that the landlords were serfs?—I do not know what his meaning might be for that.

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3494. What

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3494. What inference did you draw from his saying that the landlords were serfs; did he mean that the landlords were trampled upon by the people, and therefore ought to be put down still lower?—Oh, no.

3495. What did he mean, then?—I cannot tell you what his meaning was.

3496. You know the meaning of the word "serf," what did you understand him to mean by saying, "Put down serfs;" we understand a serf usually to be a person who is kept down low enough already, and he said, "The landlords are serfs," that is, "They are low already, and therefore ought to be put down still further."—I understood it that he meant that the landlords wished to keep the tenants lower.

3497. Would not the meaning of that be that the landlords wished to keep the people as serfs?—Yes.

3498. Then what he said was not that the landlords were serfs, but that the landlords wanted to have the people serfs?—Yes.

3499. Then what he said was not that the landlords were serfs, but that the landlords wanted to have the people serfs; was not that it?—I certainly will not say. I might make a mistake as to that.

3500. Do you not think that you did?—I dare say I may, but the word "serf" was certainly made use of.

3501. You may have made a mistake about that?—I may so far.

3502. Do you remember telling me you were equally sure about that as about everything else he said?—I did not exactly say I was equally sure.

3503. Might you not have made a mistake about the other part of his observations?—I am sure I have not.

3504. Why are you sure in one case and not in the other?—I am downright certain of it. I am not so uncertain of either part of it.

3505. I thought you said you might have been mistaken about his saying that the landlords were serfs?—Yes, I might have been mistaken exactly on that.

3506. Then you are not certain about it?—I am downright certain of what he said.

3507. Are you downright certain that he said the landlords were serfs?—As I caught it at the moment, it was that the landlords were serfs.

3508. Do you think that you caught it rightly?—Well, I caught it, I think, as it came from him.

3509. Do you think that is what he said?—I do.

3510. And you could not be mistaken about it?—I might be mistaken about it.

3511. And I suppose you think you caught the rest of the observations in the same way; were you far off him?—No, I got somewhat nearer.

3512. Did you leave your seat?—No, I was not sitting at all.

3513. Will you swear that you walked nearer to hear him?—I will not. Some of the congregation were moving up.

3514. Did you move up?—I moved a little. I was moved.

3515. However, did you move; did you move a foot?—Oh, yes.

3516. With regard to the first part of the observation, you now say you did not hear him so well because you were farther off?—Something farther off; not a great deal.

3517. Do you recollect telling me that you were as downright certain of the first part of his observation as you were of all the rest; did you not tell me that you were equally sure about every part of the observations?—I am equally sure that what I have stated to you was what was stated by him.

3518. Did you not tell me that you were equally sure of every part of the observation which he made?—No, I did not finish it. You did not let me finish it.

3519. Do you mean to say that you were not equally sure as to the rest of the observations as you were about the landlords being serfs?—No, I do not think I finished that.

3520. How far did you go with it?—I do not think I finished it, because I think you put me a question before it was finished.

3521. Then you are not certain about his saying that the landlords were serfs?—Well, I am pretty certain.

3522. Although you were too far off?—I was not so far off.

3523. Are you quite certain of it?—I will not swear that I am quite certain.

3524. You are a little uncertain?—That may be.

[The Witness withdrew.]

THOMAS CURLEY, sworn; Examined by Mr. Perce.

T. Curley.

3525. You live near Ahascragh, I believe, in this county?—I do.

3526. What chapel used you usually to attend?—Ahascragh Chapel.

3527. Have you or your family the use of a pew in Ahascragh Chapel?—Yes; my brother always had a family seat.

3528. Have you got the use of that pew now?—Well, I think not.

3529. Will you tell me the circumstances under which you were deprived of the use of your pew; when did you cease to use it, and sit in the pew; about when was the last time you sat in it?—Patrick's Day, the 17th March.

3530. Who has got your pew now?—Some ruffians kept it engaged. I can call them nothing else.

3531. Who was the priest of Ahascragh?—The Reverend Father Haly.

3532. Has the priest the power of allotting pews in the chapel to whoever he likes?—Well, I do not know that.

3533. Mr. Murphy.] Show me that piece of paper, if you please, that you have in your hand?—[The paper was handed to the learned Counsel.]

3534. Mr. Perce.] Before the election, do you remember Father Haly saying anything about the election?—No, nothing to me.

3535. Do you remember his saying anything in the chapel?—Well, I was not in it at that time for a couple of Sundays before; I was unwell.

3536. But before that; three Sundays before

it,

it, do you remember his saying something about the election, or any Sunday?—Well, I do not remember what he said; the pew was a good distance away from the altar, and I could not describe it; he cuts the words a little short, so that I could not understand it properly, being such a long distance away.

3537. Did you complain to Father Haly since about the ruffians you call them being in your pew; did you speak to Father Haly about it?—I did.

3538. What did Father Haly say to you?—I asked him would he remove the ruffians from my seat, or was it theirs, or was it he that told them to keep it engaged? He did not answer the question only in this form, that I had no seat in it.

3539. How long have you and your family occupied that seat in Ahascraigh Chapel?—Well, I could not exactly say, but I asked my brother; it was he that purchased it first.

3540. About how long ago was it; more than a year?—My brother had it about 34½ years.

3541. For whom did you vote at the last election for the county?—I voted for Captain Trench, a worthy gentleman.

3542. Since then have you been annoyed or shouted at?—Oh, always. They shouted at me on Patrick's Day, and called me all the names as me and my son went through the street.

3543. Give us a few of the names that they called you on Patrick's Day?

Mr. Murphy.] I do not see how this can be evidence; it was more than a month after the election.

3544. Mr. Perce.] Tell us the names they called you on Patrick's Day?—Well, I do not like to speak about it. They called me "Captain Trench," and "Dirty Trench," and "Hawken," and 20 names, but they were talking so as the congregation came out, that I ran into a house just to get away.

3545. Was it the congregation coming out from chapel?—The whole of them, just exactly.

3546. Was it to escape being called those names that you went into the house?—It was; I was not able to go out at the back.

3547. Did they continue round the house calling you names?—When I got in, I do not know what they did; I kept myself within till they all went off the street, as far as I could see.

3548. Did you complain to Father Haly about the congregation calling you names?—Well, I did go to him at once about the seat; he told me I had no seat in it, and I said, I had.

3549. What did he say to you, when you said you had?—He said, I had not.

3550. Had you any more conversation with him then?—No, I went away; he said two or three words, but I walked away.

3551. Do you remember what the words were?—No, I do not; it was in the evening.

3552. Where did you speak to Father Haly?—At his own house.

3553. Were there people outside?—There were a great many people from out of the street. He said after, when we were standing outside, that I had no seat.

3554. Did he say that in the presence of the people who were out in the street?—He did; I was afraid to stop; I would have talked to him longer, and argued with him about it, but I was afraid of the people.

3555. Did the people hear what Father Haly said you?—I do not know; there was a good deal of going up and down the road.

3556. Could they hear you?—I could not say, but I went away as fast as I could.

Cross-examined by Mr. Macdonagh.

3557. I am glad that you have not been hurt in any way?—No, indeed.

3558. Are you a bailiff?—No.

3559. You have a little farm of your own, I suppose?—I have.

3560. And the people called you very bad names?—Indeed they did.

3561. They called you "Captain Trench"?—They did.

3562. That was terribly provoking?—And "Dirty Trench," and "Hawken."

3563. "Captain Trench" was the worst name they called you, no doubt?—No, it is not; that is not the name.

[The Witness withdrew.]

JOHN FAHY, sworn; Examined by Mr. Sergeant Armstrong.

3564. Do you collect rents for Mr. Brown?—I do.

3565. What part of the county is that estate in?—In one side of Loughrea, and down as low as Kinvarra, and lower than Kinvarra; one side of Dunmore and Claremorris.

3566. Were you asked to support Captain Trench?—I was directed by Mr. Brown, by his letter, to support Captain Trench.

3567. You are his agent; did you promise him that you would?—I did promise him that I would, by letter; Mr. Brown was a neighbour to the gentleman.

3568. I suppose it was known in the neighbourhood, that you were going to vote for Captain Trench?—It was known in the neighbourhood that I was going to support him myself, and that Mr. Brown directed me to have his tenants to support him.

3569. Did Mr. Brown ask you to ask his tenants?—He did.

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3570. And did you?—I did.

3571. Did any of them promise?—Some did.

3572. And some did not?—Yes.

3573. It was known, you say, how you were inclined to vote yourself; after that became known, were you at a station, or at least was a station being held?—It was.

3574. Where was that?—It was in my neighbourhood; within about either a quarter of a mile, or better.

3575. Who were the priests officiating?—Father Daly and Father Callaghan.

3576. Was there Mass at the station?—There was.

3577. And confession?—And confession.

3578. Did you go there?—I did.

3579. As a Catholic, to attend to religious duties?—I did.

3580. Did either of the priests speak to you?—Not until after confession and Mass was over.

3581. And when confession and Mass were over,

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now, did either of them speak to you?—Yes; just when he was getting his coat, his foe.

3582. What did he say to you; which of them was it?—Father Daly.

3583. Was he the parish priest?—He is considered the parish of Ballymasquod.

3584. And the other gentleman is considered the curate?—Yes.

3585. What did he say to you?—Well, he did not say anything to me until he asked two or three other men that were in the house who had votes; the owner of the house was the first man that he addressed, and one or two more; they said that they would vote for Captain Nolan, and then it came to my turn to be asked.

3586. Then he asked you?—He asked me then who would I vote for; I told him that I was not in a position to make him an answer as to that at present, and that I was not to vote for Captain Nolan. Then he got vexed with me.

3587. What did he say to the curate, or did he say anything?—I did not hear him say anything to the curate.

3588. How used you to give him his dues?—I used to give him 1s. at every confession, and the other charges at Christmas and Easter.

3589. Are there any perquisites or allowances at Christmas and at Easter?—Generally by all the parish.

3590. Did he say anything at all then about your dues?—No; he got vexed with me.

3591. Did he express his vexation by any words?—He did.

3592. Tell us what he said?—He got into other matters which did not consist with the dues or the canvassing affair.

3593. That is not telling me what he said; that is telling me something else that he said, which had nothing to do with the election. What did he say when you said you could not give an answer, and that you were not going to vote for Captain Nolan; he got vexed?—He got excited at me.

3594. In what language did he express his excitement, on your oath?—You put a question to me, and I am not able to think or to bring it round to me, because he got so annoyed with me that I was ready to leave the house that minute.

3595. He said something; what did he say; did he say anything about your being a good Catholic or a bad one?—He said I was not fit to come there on that day, and refuse him; for refusing giving him a decided answer for whom I would vote.

3596. Did he say anything about your dues?—No; just exactly as I was going in with my dues, my wife came about me and walked me out.

3597. Did you give him his dues?—I did not that day.

3598. Did he refuse to take it?—Well, I should think he did.

3599. I should think so too; but did he?—Well, he did refuse to take my dues.

3600. Were there several people present when he was so angry with you?—There were several people present.

3601. Had there been a confession of the people who were there?—There had been a confession of the people.

3602. Did your wife hear what was going on?—No, she walked out along with me.

3603. Did she give her dues?—No; women never pay dues.

3604. She went with you?—She did.

3605. Did she hear what the priest said to you?

—Well, I dreamy she has a hotter memory than I can tell you.

3606. But did she take you by the arm and walk you out of that?—She did, although I was to breakfast in the house.

3607. After confession and Mass?—Yes.

3608. And you did not stay for your breakfast in the house?—Well, she would not have time to remain in the house.

3609. Was it too hot or too cold for you?—Well, it was hot enough at the time.

3610. Did you vote at all?—No.

Cross-examined by Mr. Macdermot.

3611. What does were you in the habit of paying Father Daly?—One shilling at every confession.

3612. And how much did you offer to him on that day?—I offered him 2s. 6d. to take his dues from.

3613. And he said that he would not have it?—He said that he would not have a farthing at all from me.

3614. Was that before or after the Mount Bellow meeting?—To the best of my opinion it was before the Mount Bellow meeting.

3615. Are you sure about that?—Confident.

3616. Did you take an active part in the Mount Bellow meeting?—No part at all.

3617. Were you there?—I was.

3618. Was it in favour of Captain Nolan?—The meeting held that day was in favour of Captain Nolan.

3619. Why did you go to the meeting?—I had other business at the town that day, and it was a holiday. I went to take some things from Mr. Kelly's shop.

3620. Were you at the meeting?—I was at the meeting.

3621. What did you go to the meeting for?—I came out of the meeting just a few minutes before I came home.

3622. Did you stand any time listening to the speakers?—I think I heard a part of one speech delivered by Mr. Macdonough. I could not say what it was. I came out at the end.

3623. Did you make an effort to break up the meeting?—Never.

3624. Did you ever pay these dues since to Father Daly?—I did, a good deal more.

3625. He did not refuse your dues, did he?—No, I do not think he would.

3626. And you are very good friends now?—We are indeed, thank God.

3627. Did you pay him that 1s. that you did not pay him that day?—Well, I paid him a great many shillings since then.

3628. He was a little hot because you would not promise your vote?—Yes, I think he was.

3629. He said he would not have your money?—He did.

3630. Do you think that a landlord would be treating a tenant badly if he refused to take his rent for not voting for him?—I do not think that.

3631. It would be a delightful way of being punished if a landlord said, "You will not vote for me, I will not take your rent from you"?—That would be giving him the fee of the place.

[The Witness withdrew.]

MR. THOMAS DAVIES, SWORN; Examined by Mr. Murphy.

3632. WHERE do you live?—At Kemps-town.

3633. I believe at the recent election you had promised to vote for Mr. D'Arcy when he was up?—I had.

3634. When Mr. D'Arcy withdrew from the contest, I believe you promised Captain Trench?—I did.

3635. Do you recollect anyone coming to your window, the Sunday before the election, and making any observation that attracted your attention?—Yes.

3636. Did you know the man who came there?—No.

3637. Was he alone, or were there others with him?—He was alone.

3638. Where were you sitting at the time?—At the parlour window.

3639. What did he say to you?—He said, "You have got one broken arm, and you will have to have another if you go the poll to vote for Captain Trench." I think those were the words he used.

3640. As a matter of fact, I believe some accident had happened to one of your arms?—Yes; I broke one of my arms and suffered very much all the winter.

3641. Had there been any large meetings in your neighbourhood?—Yes; one at Mount Bel-ew and one at Newbridge.

3642. Previous to the election, in what state was the neighbourhood about you?—In great excitement; for 20 years I never saw it so great.

3643. How was the excitement produced?—It was chiefly caused by meetings.

3644. In what way did it manifest itself after the meetings; and the people to proceed to them in great numbers?—I saw great crowds going to the Newbridge meeting; they passed over my road and they carried something in the shape of a coffin, or something of that kind, with green ribands outside of it, and they stood for about 15 minutes on the road opposite my door; there is a view from my hall door of the highway.

3645. Did you hear any observations made by them?—I do not know; but I saw them passing on; there was a party coming after them, and two or three horsemen.

3646. How were they decorated?—I could see nothing but the green and what I stated first. I was not so very near; I merely saw them out of my window.

3647. Did you vote?—I did not vote at all; I was afraid to vote.

3648. In consequence of the state of the country?—Yes; and that threat I got before the election.

3649. And the general state of excitement?—The general state of excitement; and I was informed that there were mobs on the road, and that if I went I would be killed, perhaps, on the way.

3650. Where did you go to service on the Sunday after the election?—I did not go out the Sunday after the election, but my family went.

3651. Are you a Protestant?—Yes.

3652. Did anything happen to them?—Yes;

3653.—I.

they were hooted coming home; they told me, on coming in, that they were hooted.

Mr. Macdermot objected that that was not evidence.

3653. Mr. Murphy (to the Witness). In consequence of whatever they told you, did you go to the police the next Sunday?—I did. I reported it to the police, and the police told me they sent four men out in coloured clothes, and that they were under the wall at this village watching these people.

3654. In point of fact, did you seek for an escort the next Sunday?—No; but I wrote to the police in consequence of it, and I reported the case.

3655. Have you been out yourself since that through the country?—I have.

3656. Did you meet with any kind attentions in this way when you went out yourself?—Well, I cannot say that anything occurred to myself.

3657. Do you recollect being at Mount Bel-ew some day after the meeting?—I do; it was after the election, I think; it was the Tuesday or Tuesday week after the election.

3658. Was any threat made use of to you there, or any statement made to you by some men?—A man came up to me in the market, and said he regretted he was not at Newbridge Chapel the Sunday before. I heard a tenant of mine was attacked.

3659. Something happened to a tenant of yours in the chapel the Sunday before; what did he say?—He said if he was there he would rid me of my tenant, and I would get back my land.

3660. It referred to something that had been done to a tenant of yours?—I think so; I was not present.

Cross-examined by Mr. Macdermot.

3661. Then it appears you promised Mr. D'Arcy to vote for him?—I did.

3662. He is a particular friend of yours, I suppose?—He is a friend of mine.

3663. When did he retire?—A very short time before the election.

3664. About how long?—About three weeks before.

3665. Were you then appealed to by Captain Trench, or did Mr. D'Arcy get you to vote for Captain Trench?—He did not interfere at all with me. Captain Trench called on me some time before, and I told him that I was engaged to Mr. D'Arcy, but I told him if he retired, I would consider about it; and in consequence of that, I intended to vote for him.

3666. Although you would not give him a positive pledge?—No; I never promised him at the time; I told him I was engaged, and he said he was aware of that.

3667. But that if Mr. D'Arcy were to retire, then you would consider it?—Yes.

3668. You never saw Captain Trench again after that, did you?—No, I did not see him after that.

3669. And you made no further promise than what you have said?—No further promise.

3670. You have stated (and, I think, with correctness) that the excitement in favour of Captain Nolan was created by the large meetings, what

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Mr. O'Connell used to call his "monster meetings"?—Monster meetings.

3671. You have described one of these meetings, or the persons proceeding to one of those meetings, and you saw from your house something like a coffin, covered with green ribbons?—Yes; it appeared to me to be in that shape; it was a good way off, nearly a quarter of a mile, it is half a quarter, at all events.

3672. Was it much covered with green ribbons, this affair, whatever it was?—It must have been, when I could see it so easily from my place, I cannot say how much, but there were green ribbons on it, certainly.

3673. Green and white?—Green is what I remarked.

3674. Were there several ribbons coloured?—I saw them flying off; that is all I know.

3675. It is not usual to attach green ribbons to coffins?—No; I suppose it was not a coffin, it was only shaped like that; it had the shape of it.

3676. Was it perfectly the shape of a coffin?—I was not so very near that I can describe it.

3677. It is of very little consequence. You have been repeatedly about the country since then?—Yes, very often.

3678. And you never experienced any personal insult or annoyance?—No.

3679. Will you tell me exactly when it was that this person came and called at your windows, and used those improper expressions?—It was on the Sunday before the polling.

3680. What sort of a person was it?—He was a fringe-coated man; a black, dark, fringe-coated man.

3681. Would you know him again?—I would not be sure; I only saw him a few minutes, and he walked away.

3682. Was your window thrown up?—It was not; I was sitting inside at the window, and he spoke.

3683. And panes of glass were between you and him?—Just so.

3684. And you heard him through?—Of course I could hear him; it was on the ground floor.

3685. Had you ever seen the man before?—I cannot say.

3686. Did you go to the police?—I did not; there was enough trouble without it, and I did not take any further trouble about it.

3687. Were you canvassed by Captain Nolan?—I was.

3688. When was that?—Last July.

3689. You are a Protestant gentleman, I understand?—Yes.

3690. Did you decline to vote for him?—I was engaged to Mr. D'Arcy at the time.

3691. So I suppose you gave him very much the same answer as you gave to Captain Trench?—Well, I daresay I did.

[The Witness withdrew.]

THOMAS MASON SWORN; Examined by Mr. Sergeant Armstrong.

T. Mason.

3692. HAVE you a vote for the County of Galway?—Yes.

3693. Had you promised to vote for Captain Trench?—Yes.

3694. Are you a Protestant?—Yes.

3695. Were you attacked in Tuam before the election?—On the election-day.

3696. Just tell his Lordship what happened to you in Tuam on the election-day; was there a mob in the streets?—There was.

3697. Was it a large one?—Very large.

3698. Was it a violent one?—It was.

3699. What happened to yourself?—What I can never forget while I live.

3700. Describe fully what happened?—We were coming from the Courthouse; we met a large mob just convenient to the hotel, and with very great difficulty we got in, and if it was not for Mr. Lynch, and I think there were a number of police, we could scarcely get in safe. I being one of the youngest of the party went in last, and turned round dreading I would be struck, and just as I got in the hall there was a stone thrown into the hall. It was not a large stone; it appeared to be one of the stones from the street. On going home, Mr. Lynch came with us to the train, and as soon as we came across from the hotel, just as we were going on to the station, we were attacked by a mob with mob.

3701. About how many were there in the mob?—I could not describe.

3702. Were there hundreds?—I think there were. The first person I saw attacking was a woman; she stooped down with both her hands and struck a man of the name of Foster in the most violent way, and, as it seemed to me, in a frantic state, and we all began to run then as fast as we possibly could. Coghlan and Kenney and

I, and I forget the other man, were going ahead together as fast as we could possibly run, and there came some man along the towing path, and he put his feet before the man that was at my right hand, and stretched him in the road. I had a large top coat on my right arm, and I began not to be able to keep up to the others, and I bent my head on the man's shoulder that was on my left-hand side, and he shook me off. Of course he did not want to be behind, and I was the first that was struck in the head and cut.

3703. With what?—I could not say; it was like the peak of a table.

3704. Was it some heavy weapon?—It was; and the blood was running down my neck at the time I reached the station; I then put up my top coat and covered my head, and my ear was cut in two places, and there were some lumps on my head, but I did not mind that much until I was struck and left powerless, and I was then afterwards struck in my hand, and I shouted out "murder" two or three times. The army that was standing at the station could see me and they acknowledged afterwards when I got in that they saw the mob striking me. So then they stopped from beating me. Just as the two that got up before me came up to the station, there was a gate between the station and the road, and they shouted to the army to open the gate, and they said they could not as it was locked. So they attempted to get in over the gate, and as they were going in, there happened to be a man and a boy, and one of the two took up a stone (I cannot say which of the two), and flung the stone, but I knew one of the men, Kenny, was caught by the foot and in endeavouring to get over the gate his hand was cut. So I ran in and got into the waiting-room, and at the time I got up I was in such a state

a state of agony, that I did not know what to do. There was some gentleman on the platform at the station that I did not know, and he very kindly got one of the police to strip off my coat; and one of the porters took out a pocket handkerchief and bandaged up my arm, and he sent for a doctor, and sent the policeman for some spirits, and he very kindly brought me up to the fire and rubbed it into my arm and hand.

3705. Was it Mr. Charles Blake that assisted you?—I do not know the gentleman.

3706. Were you attended by a doctor afterwards?—After coming home I went to Dr. Karwan; he attended me up till last week; I told him that I was surprised that I did not feel the pain in my right hand that day, in comparison to the great agony I suffered from the left hand; but the one got worse at night and the other got better, and I could not put bit or sap in my mouth or dress myself after I got home.

3707. Were you under the doctor's hands for a considerable time?—Up to last Thursday week.

3708. Were you guilty of any offence against the county that you know of, except voting for Captain Trench?—I know of none.

3709. Is your arm suffering still?—My right hand is. The doctor says, "I am surprised that your hand is not better as yet. It will take a long time," said he.

3710. Did any people come to your house since the election, shouting and hooting at you?—On the fair night of Loughrea, when they were going home from the fair, they were shouting.

3711. At your house?—Yes.

3712. Did you hear any of the words they said?—I was not at home that night, but my wife told me they were shouting—

Mr. Justice Keogh.] Do not tell me anything that your wife told you.

Cross-examined by Mr. Moodevot.

3713. When did you come into Tuam to vote?—I left home on Monday at nine o'clock, and we arrived in Tuam by the mid-day train, I think.

3714. On the Monday?—On the Monday.

3715. Where did you spend the Monday?—I spent it in the hotel.

3716. What hotel?—Mr. Daly's Hotel.

3717. Were there any other voters except you at Daly's Hotel?—There were.

3718. How many were there at Daly's Hotel?—I think there were 11 from Ballynaquoid.

3719. How many voters were there altogether?—I could not say, but I think it is 11; 10 and Mr. Lynch.

3720. Who is Mr. Lynch?—Mr. Lynch of Waterloo.

3721. Is he a cousin of Mr. Conner's?—I think he is.

3722. And he was the gentleman who escorted you to the poll in the morning and escorted you back again?—Yes.

3723. I suppose you were well treated at the hotel; indeed, I know if Mr. Lynch had you in charge, you were?—We were treated; we could not fast, of course.

3724. And you could not do without something to drink?—I think I could tell you all we drank.

3725. I am sure you could. I suppose you had a glass of punch after dinner?—Yes, we had.

3726. Had you two?—No.

3727. In the morning, I suppose you had no refreshment before you went to vote?—We had.

3728. Had you any drink in the morning?—No; not one taste.

3729. You voted, at all events; you were not prevented from voting?—No.

3730. I suppose all the voters that were there, voted as well as you?—Yes.

3731. What hour of the day was it when this attack was made upon you?—I think it was a few minutes before 11 o'clock.

3732. And you were brought down by Mr. Lynch to the train?—Yes; he came with us, but then the mob attacked us. Mr. Lynch had to fall back, for I think he was beaten himself.

3733. The first person that attacked you was a woman?—Not me.

3734. A woman fired the first stone?—No; it was that she fired.

3735. And then when she commenced it, the rest followed you, and were a little more violent?—Not a little, but as much as they possibly could; I would be sorry in my life, if I was to live a thousand years, ever to see the same sight again.

3736. Were you ever at an election at Tuam before?—Never.

3737. Did you hear it sworn to here yesterday that the former election at Tuam had been even still more violent?—I do not know; I heard it, but I was never at an election before.

3738. You were astonished at the way that the elections were conducted in Ireland?—I think so, to the best of my belief. I covered my head with my top coat to get away from it.

3739. Were you ever in Tuam in an election before?—I was never at any election before.

3740. Did you ever see a woman firing dirt before?—I could not well say.

3741. Was there a person of the name of Shine at Daly's that night?—I do not know. I knew all the persons that came from Ballynaquoid along with me.

3742. Was there a person of the name of Forde there?—No.

3743. Was there a person of the name of Ryan there?—No.

3744. Would you say that there were 30 voters altogether there?—I could not say.

3745. Was the house filled with voters?—No.

[The Witness withdrew.

Adjourned to Monday next at 11 o'clock.

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Seventh Day.—Monday, 8th April 1872.

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Mr. Serjeant *Armstrong*.] My Lord, I desire to have two gentlemen called upon their subpoenas. I will not ask for any attachment. Call James Lynch, of Kemistown and Bernard O'Flaherty, of Villa.

These gentlemen were called upon their subpoenas, but did not answer.

A gentleman in court stated that Mr. O'Flaherty was unwell.

Mr. Justice Keogh.] So I am told; but he may hereafter be quite well, we must hope so.

MR. THOMAS ROGERS SWORN; Examined by Mr. Serjeant *Armstrong*.

Mr.
T. Rogers.

3746. Are you a farmer in this county?—
Yes.

3747. Where do you live?—At Meelick.

3748. What is the polling place for Meelick?—
Portumna.

3749. Are you a Catholic?—Yes.

3750. Is the Reverend Mr. Furlong one of
your priests?—Yes.

3751. You were in the habit of attending the
chapel at Meelick?—Yes.

3752. Is that his house of worship where he is
in the habit of officiating?—Yes, where he is in
the habit of officiating.

3753. Is he parish priest, or curate?—Curate.

3754. Did you upon any Sunday in January
last attend his chapel?—I did.

3755. Did you hear him address any observa-
tions to the people there with reference to the
coming election?—Yes.

3756. Will you state loud enough to be heard
once for all, all that you heard him say?—I
could not state all that I heard him say.

3757. As much as you can of it, or the sub-
stance of as much as you can of it.

3758. Mr. Justice Keogh.] As much as you
recollect?—That any one who would vote for
Trench might thrive for awhile, but would go to
their grave in disgrace, and that the finger of
scorn would be pointed at them by everyone.

3759. Was it from the altar that he made that
statement?—It was.

3760. Was it during mass and before the last
gospel?—It was before the last gospel.

3761. Had he his vestments on?—I could not
swear; I think that he had.

3762. Did you see him after mass upon any
Sunday in January going through the village?—
Yes; I always see him going through the village.

3763. Had he any crowd with him on one of
the Sundays just after mass?—He was driving
through the village.

3764. Do you recollect whether he had his hat
off or on, or was making any action with his
hat?—He was.

3765. What was he doing with it?—He just
waved it over his head.

3766. Was he exclaiming in any way?—No.

3767. Were the mob shouting?—The mob
were shouting.

3768. Was that mob going through the vil-
lage?—They were.

3769. Or about the village?—Going through
it; some of them were on their way home. I
suppose that all of them were on their way
home.

3770. Was he at the head of them?—He was
just passing them by—to the best of my belief
he was passing them by.

3771. Were you at Portumna on the day of
the polling?—I was.

3772. Did you see Nolan's voters coming?—
Some of them I did.

3773. Did you see any of the priests with
them?—I think that I did.

3774. Do you recollect the name of any one?—
I could not swear.

3775. Did you observe whether there were
any banners, or emblems of any sort?—I saw no
banners.

3776. Did you see any ribbons?—No.

3777. Sashes?—No.

3778. Any thing of that sort?—I saw some
green laurels, that was all.

3779. Did they offer any offence to you?—
Nothing in Portumna, when going in the morn-
ing to the election.

3780. Did you vote for Captain Trench?—I
had no vote.

3781. Did you hire a car?—I hired two.

3782. On the morning of the election what
happened at your own house?—The mob came
about five o'clock; they were passing on, and
they stopped opposite my door. I firmly believe
that some of them came off the road.

Mr. *MacDonnet*.] Never mind what you
believe.

3783. Mr. Serjeant *Armstrong*.] How far is
your door from the road?—About 60 yards to
the best of my belief.

3784. They were close to your door?—I think
so.

3785. When they got close to your door what
did they say?—They gave three cheers for
Nolan, and three groans for the Trenches.

3786. Was it a matter of notoriety that you
had hired one car?—It was suspected.

3787. Did you chase them away in any way,
or do anything to frighten them out of it?—I
did.

3788. What did you do?—I got out my gun
and fired a shot.

3789. What did they do then?—They ran
away as fast as they could.

3790. Was there a great crowd of them?—I
should say about 10 or 12 to the best of my be-
lief. I could not see any of them in the dark.

3791. You could not swear to any of them, I
suppose?—I could not say, but I had my sus-
picion.

3792. Did

3792. Did some people return that night?—Some of them did return that night.

3793. About how many?—I suppose about the same number.

3794. About what time at night?—About eight o'clock.

3795. Were you at home?—I was.

3796. Was the door shut?—It was.

3797. What did they say or do?—They began to knock at the door, and called me a "sonper."

3798. By that I suppose you mean a man who becomes a Protestant for broth and bread, and all that?—Yes.

3799. Did they do anything else but call you an insulting name; did they groan?—They groaned.

3800. Did they shout about Nolan or Trench?—They h'ed for Nolan, and I h'ed for Trench.

3801. You have no doubt that it was about the election that they came there?—Not the slightest doubt in my mind.

3802. You had always been good friends with the people up to that time?—I had always been pretty fair.

3803. I do not want to praise you?—There was some other thing which they might have against me. There was a friend of mine walking, he was a voter of Lord Clancarden, and they suspected that he would vote for Captain Trench. He was coming up from his house, and a mob of 10 or 12 was standing upon the road, and when we came up, they gave three cheers for Nolan, and three groans for the Trenches; and my friend turned back, and when he did, I turned back, and there was some altercation between us.

3804. You were suspected, from being associated with him, that you were for Trench?—Yes.

3805. That is very natural. Do you know whether that man voted, or not?—I do not think that he did.

Mr. Macdonogh.] Do not tell us what you think upon the subject.

3806. Mr. Serjeant Armstrong.] He did not vote to your knowledge?—I am sure that he did not vote.

3807. Mr. Justice Keogh.] What was his name?—Thomas Killeen.

Mr. Justice Keogh.] If any question turns upon his vote, we have all the poll books under seal here.

Witness.] I am almost positive that he did not.

Mr. Macdonogh.] I know, my Lord, that the poll books are here, and I shall refer to them by-and-by.

3808. Mr. Serjeant Armstrong.] I suppose you know what a blazing wisp is?—Yes.

3809. Did you see any of the people go about with them?—Not before, but I did after.

3810. Did you see any of them go about the country with these burning wisps?—Yes.

3811. How soon?—To the best of my recollection it was the night of the poll.

Cross-examined by Mr. Macdonogh.

3812. You h'ed for Trench?—Yes.

3813. That is no crime?—Not the slightest.

3814. And they h'ed for Nolan?—They did.

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3815. Is it criminal in them, and not in you?—No.

3816. Did you ever know an election yet where they did not cheer for their favourite candidate, and groan for the opposite party?—I believe not.

3817. You were employed on the part of Mr. Trench?—My cars were employed.

3818. How many of them?—Two.

3819. How long were they employed?—About a week before the election.

3820. For an entire week?—Yes.

3821. And on the day of the polling?—They were not employed only the day of the polling.

3822. How much did you get for the two?—Three pounds.

3823. Thirty shillings apiece?—Yes.

3824. Did you get anything else?—No.

3825. No drink?—No drink. I do not drink.

3826. That is the reason you did not get it; Are you a Roman Catholic?—Yes.

3827. The day you were at Chapel and heard the Reverend Mr. Furlong, did he caution them against bribery?—I could not hear it. I did not hear it.

3828. He said that anyone who would vote for Trench might thrive for a while?—Yes.

3829. Was he saying and urging upon them "Do not degrade yourselves—do not vote against your consciences—do not take bribes; you may thrive for a while if you take a bribe."—No.

3830.—You do not remember that?—The few words which I heard, which I told you, were just in the early portion, and they struck me so forcibly that I just remember them.

3831. Can you tell me what was the general nature of the context of what he said—the other portion?—It was all to tell them not to vote for Trench.

3832. Did he represent to them what claims Captain Nolan had upon them?—I do not know, I cannot recollect.

3833. Did he say that Captain Nolan was a Roman Catholic and a resident landlord, or that he had property in the country?—I cannot say.

3834. If he said all those things, they did not attract your attention?—No.

3835. Did he say that the persons who would vote for Trench might thrive for a while, but that they would go down to their graves in disgrace, and that the finger of scorn would be pointed at them by every one?—Yes.

3836. You have no memory of anything else?—No.

3837. How near were you to him when he spoke?—From this to the end of the gallery.

3838. How long was he speaking?—I could not swear.

3839. About how long; half an hour?—I could not swear whatsoever. I will not swear to anything except what I am sure of.

3840. I recommend you not to do so. On the unday when he was driving through the village was it after mass?—Yes.

3841. After he had performed the ceremony?—Yes.

3842. Where was it that he passed the people, and took off his hat?—About 100 yards from the chapel door; he was driving to Eyre Court to say mass there.

3843. After celebrating mass at Medlick he went on to the other place?—Yes.

3844. And as he was going he passed the mob?—Yes.

O 3

3845. He

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3845. He took off his hat to them and they cheered him?—Yes.

3846. Had those people just left the chapel?—Yes.

3847. Were they decent looking respectable people, who had been at chapel at mass?—They were; most of them were voters.

3848. Why is it that you presume to call them a mob?—Because they were cheering.

3849. When your priest who had performed the ceremony of the mass, was going upon his duty elsewhere, and passed them by, he took off his hat, and they cheered him, and therefore they were a mob?—They were a mob; I swear so distinctly; they looked respectable and decent people; but looks do not make people respectable.

3850. That is very true; otherwise you would be immortalized. These decent people who had just been to mass, cheered when a gentleman took off his hat; he did not speak a word?—I could not swear.

3851. Then if a landlord was passing by a number of his tenants, and if he took off his hat to them, and they said "long life for your honour," and cheered for Trench, would you not highly approve of it?—I would not.

3852. You would like everybody to be dumb dogs?—I should; I would not join a mob to "hi" for any man.

3853. But you "h'd" for Trench on your own account?—Yes, because I was insulted.

3854. When they insulted you they "h'd" for Nolan?—Yes; but they groaned; they called me Trench's scupper first.

3855. That is his supernumerary, of course?—No; I did not take it in that way.

3856. Did the reverend gentleman, the Rev. Mr. Furlong, advise the people to vote for the Liberal candidate?—He might have done so.

3857. Have you the slightest doubt. Try that conscience of yours; be good enough to apply to it at once?—That is what I have not heard before. I must call upon the judge to protect me.

3858. Mr. Justice Keogh. It is not meant as an attack upon you, but I think that the witness has not given any cause for it.—I will tell the truth for Captain Nolan or for Captain Trench, upon my oath.

Mr. Macdonagh. I am joking with you. I am not serious.

Mr. Justice Keogh. There is no imputation whatever upon you.

3859. Mr. Macdonagh. Did he advise the people to vote for the Liberal candidate?—I could not swear.

3860. You will not swear that he did not?—I will not.

3861. Did he complain that the landlords had deserted the people?—I did not hear it.

3862. Did he complain that the landlords had excluded the priests from their consideration?—He might have done so; I could not swear positively.

3863. Is it that all in your memory?—It is not.

3864. Of course, as you had no vote, your only connection with Captain Trench was hiring the cars?—That was all.

3865. Where was it that you were walking with this voter, when you call a voter of Lord Clanricarde's?—From his own house.

3866. Where was it?—In Meelick.

3867. Where were you going?—We were just having a walk on a Sunday evening.

3868. How long before the election was that?—I could not say; I do not know the exact date.

3869. Was it a month or three weeks?—It was not three weeks.

3870. And you say people passed and groaned for Trench?—Those who passed came and cheered for Nolan.

3871. And groaned for Trench?—And groaned for Trench.

3872. Were you in the polling booth?—No.

3873. Did you go to the election?—I did.

3874. That is to say you drove one of your cars, I suppose?—Yes; I stopped at an hotel.

3875. In what town?—Portlanna; I had a reason for so doing.

3876. Mr. Sergeant Armstrong. State it.—I was at a coursing match some time before, and one of my co-tenants was struck with a stick, and was fired at, and I had an altercation with a Portlanna man, and I did not wish to show myself, and I did not wish to go.

3877. Mr. Macdonagh. Let us be with his friends?—Yes.

3878. It was, I suppose, in the vicinity of Lord Clanricarde's residence?—Yes.

3879. Was the man with whom you had the altercation a tenant of Lord Clanricarde's?—I do not know.

3880. Mr. Justice Keogh. Who was the man that you was walking with?—Thomas Killera.

3881. Mr. Macdonagh. You were not at the polling place?—I was not.

3882. So that you did not see any of the people vote?—No.

3883. You stated that they hosted you. I hope that you got something to drink. I beg pardon, you said before that you did not drink. Did you see other people drink?—Yes, I saw some people drinking.

3884. Were they in the hotel—in the bar?—No.

3885. But they sat in some room?—They were standing in a room.

3886. How many of them?—I should say about five or six were all that I saw.

3887. Do you know their names?—Some of them I knew, and some of them I do not know.

3888. Do you know that they were voters?—To the best of my belief they were.

3889. And you know some of their names, and do not know the others; but you know them all personally, I presume—their outward appearance?—Yes.

3890. And you know where they reside?—I could not swear to where they reside.

3891. But they are in the parish?—Not in the parish, but about the place.

3892. Are they Lord Clanricarde's tenants?—I could not swear that.

3893. What did you see them supplied with? I think that they had some ham.

3894. What else?—I could not swear what they were drinking.

3895. But they had drink?—They had.

3896. How long were you in the hotel?—I was there from about 9 till 12.

3897. At night?—No; in the day time.

3898. From 9 in the morning until 12?—Yes.

3899. Did this eating and drinking go on during the whole of that time?—I only saw it once, about 12 o'clock.

3900. Did

3900. Did you bring in any persons on your car?—I did.

3901. How many?—There were two of them on the car.

3902. Do you know their names?—One of them was Michael Horsfall.

3903. Do you know the other?—I think that his son was on the car.

3904. Were they voters?—His father was.

3905. Was there anybody on the other car?—I could not swear.

3906. Did you see Mr. Eyre there, the young gentleman who was here?—I did.

3907. Did you see Mr. Eyre's father there?—I did.

3908. Were they, or either of them, in the room where all the voters were being entertained?—No; decidedly not.

3909. Nobody was there but the voters, and the persons in attendance, and yourself?—Yes; to the best of my belief. I know that Mr. Eyre was not there.

[The Witness withdrew.

Mr. MICHAEL KILLEN sworn; Examined by Mr. Murphy.

3910. ARE you a farmer in this country?—I am.

3911. Are you a voter?—Yes.

3912. Who is your landlord?—The Marquis of Clanricarde.

3913. Were you at mass, in Meelick, in January last?—I was.

3914. Do you recollect hearing the Rev. Mr. Furlong talk about the election then?—I do, a little.

3915. Tell us, as well as you can recollect, the little which you heard him talk about it?—He first began by saying that he had the entire of the voters of the three parishes, with the exception of a few, and that he did not know but that he might have those few yet; but that there was an old serpent, an exterminator, who was not satisfied with what he had done before, and who had caused the houses in a good many churchyards in America; that if any Catholic man voted for Trench, he would be a renegade to his religion, and marked with scorn; or something to that effect. I do not exactly remember.

3916. Do you recollect what Sunday it was that you heard him make these observations?—The 28th of January.

3917. Do you recollect hearing him the Sunday after the election?—I do.

3918. Do you recollect his saying anything about those who voted for Trench?—He said that the voters who had not voted for Captain Nolan were traitors. And he said that there would be no community with them, and that they should be marked as such, and that it would be remembered by the people, and that he would remember it.

3919. By whom?—By the people who voted for Trench. There was something about six months. I really cannot say what it was, but it was for six months, or something like that.

3920. Did you see any bonfires before the election in any part of the county?—No; not before the election. I did not see any bonfires. I did not go to see any.

3921. How did you promise to vote?—I was never asked by Captain Nolan. I promised my landlord that I would go for him, and I have voted for him for the last 40 years.

3922. You have voted with the Marquis of Clanricarde for the last 40 years?—I have, and I mean to do so as long as I live.

3923. Did you vote for Captain Trench?—I did.

3924. Was anything done to you at all before the election, either when coming from mass or going to it, or at any other time?—Nothing; but on coming out from mass we were shouted at.

3925. After leaving mass?—After leaving mass.

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3926. By the neighbours, I suppose?—Yes; the neighbours all shouted and shouted at the persons who supported Trench after the election.

3927. Were they people who listened to Mr. Furlong?—Yes, neighbours.

3928. Had you ever been so treated before by your neighbours?—Never in my life.

Cross-examined by Mr. MacDonnet.

3929. I think you said that the Reverend Father Furlong said that he had very nearly the votes of the three parishes?—Yes, with the exception of a few.

3930. I suppose that all the clergy in that part of the world were in favour of Captain Nolan, were not they?—I do not know. I knew that he was in favour of Captain Nolan.

3931. Do you believe that all the clergy were in favour of Captain Nolan?—I believe from what I have seen since I came here, that they were.

3932. Were the new electors about there in favour of Captain Nolan?—They were, as well as the electors.

3933. He was a Catholic of course?—He was.

3934. Are you a Catholic also?—I am.

3935. Do you hold the same views usually of politics as the new electors?—As to politics, I have very little idea of anything. I never interfere in the matter.

3936. Have you any politics except your landlord?—I do not know much about politics, but I did not wish to deny my landlord my vote.

3937. If the Marquis of Clanricarde had not interfered with the election, and had not asked you for your vote, how would you have voted?—I do not know as to that. Captain Nolan, as I mentioned before, never asked me for my vote, nor did Captain Trench.

3938. Supposing that Lord Clanricarde had not asked you for your vote, and that two men had been before you, neither of whom had asked you for your vote, namely, Captain Trench, Lord Clanricarde's son, and Captain Nolan, for whom would you have voted?—I tell you that I never heard anything had of Captain Trench.

3939. Whom would you have voted for, Captain Trench or Captain Nolan?—Let me explain.

3940. No; answer me first. I do not want to guzzle you a bit, and I will give you as much time to explain as you can wish. If the Marquis of Clanricarde had not interfered with you, and if in point of fact your agent or bailiff had told you to vote exactly as you liked, which would you have voted for, would you have voted for the Catholic or the Protestant, to begin with?—Most likely

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Mr.
T. Rogers.
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Mr.
M. Killen.

M. Killen.

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likely I should have gone with the people, but I had not a great wish for either.

3241. Were not the people for Nolan?—They were.

3242. Did Lord Clanciarde ever ask you before to vote in favour of a member of the Clanciarde family, for the 40 years that you say you have voted?—Never.

3243. And you do not remember on any former occasion the clergy or the people being opposed to Lord Clanciarde, or he to them?—Never.

3244. You say that you were booed?—I do.

3245. Was Rogers with you at the time when you were booed?—I do not exactly know whether he was or not.

3246. Do you know Thomas Rogers?—I do, well.

3247. Are not you the Mr. Killen that he referred to?—No; that was Thomas Killen.

3248. Is Thomas Killen a relative of yours?—He is.

3249. What relation is he to you?—His father and I were first cousins.

3250. You received no money, or anything of the kind?—No; I left Portlanna at half-past five in the morning and got in at seven. I had no escort, or anything of the kind. I got to the poll about half-past eight, and got away home as quickly as possible, and was home by eleven.

3251. And you got no harm done you?—No; merely the booing.

3252. Did you ever see an election where there was no booing?—I was never booed before; there might be hissing about the Court House, but none was known before in the parish where I lived.

3253. Was there ever a polling at Portlanna before?—Never, to my knowledge; it used to happen at Loughrea and at Galway.

3254. When you were in the chapel on the 28th of January, do you recollect all that Father Furlong said on that occasion?—I do not.

3255. When did he mean by the "old serpent"?—I suppose Lord Clanciarde.

3256. Why do you think so?—Because he said that an old serpent, a landlord, had come to coerce his tenants; that he was not satisfied with all that he had done before, and that notwithstanding all the bones which he had caused in the church yards of America, he would come again.

3257. Did not he say that the landlord had come to coerce his tenants?—Yes.

3258. Did he not complain of it?—Yes.

THOMAS KILLEN, sworn; Examined by Mr. Perce.

T. Killen.

3273. You are a voter for this county, I believe?—Yes.

3274. Do you attend Meelick Chapel?—I do.

3275. Did you attend there in last January?—I do.

3276. The Rev. Mr. Furlong officiated, I believe?—Yes; he was the curate at that time.

3277. Did he make any allusion to the election?—He did.

3278. Will you tell us what he said about the approaching election?—He said that if there should be a Trench amongst us, or amongst "you" (I do not know which), he should be pointed out with the finger of scorn.

3279. Anything else?—Yes. I know that he spoke in very harsh language against the landlords.

3280. Was not he trying to explain to the people that coercion was wrong?—He did in that way.

3281. Did he say on that occasion that Lord Clanciarde had deserted the people who had always been with him?—No, he did not, that I could hear.

3282. Will you swear that he did not say it?—I will not.

3283. When he said that any one who voted for Mr. Trench would be marked with scorn, did he convey it to you that a person who voted apart from the priests, and apart from the people, and contrary to his conscience, for the sake of recommending himself to a landlord, would be marked with scorn?—He did not say it in any way but in the way that I told you.

3284. What did he convey to you?—He said that any man who voted for Trench would be a renegade to his religion, and would be marked with scorn.

3285. Did he explain why he would be marked with scorn?—He did not explain.

Re-examined by Mr. Murphy.

3286. You were asked if you were left to yourself how you would vote. You said that you never heard anything bad against Captain Trench, but you were going on to say more.—I said that I never heard anything bad against Captain Trench, but I heard that he was always against the Catholics, and I heard a great deal of good about Captain Nolan.

3287. So that, I suppose, that if you were left to yourself, you would not care much for either?—Very little.

3288. You would not trouble yourself much, but you were ready to oblige your landlord?—Certainly.

3289. Had there been any coercion put on you by your landlord?—Not a bit. Never.

3290. When Mr. Furlong was speaking of coercion by the landlord, did he say anything about coercion by the priests being quite right?—He did not, that I could understand.

3291. Did he talk to you about your conscience at all?—Who?

3292. Mr. Furlong.—He never asked me a word about who I would vote for, or would not.

3293. He only gave you the lecture from the altar?—Exactly.

[The Witness withdrew.]

3294. Do you recollect any of the language which he used?—I think, to the best of my belief, he called him the old serpent, and that he had no business to come amongst them.

3295. Did he use that language about landlords, or about any particular landlord?—I think that he alluded to the Marquis of Clanciarde.

3296. Do you remember any other language with reference to Lord Clanciarde?—He said a good deal about him, but I do not recollect it.

3297. Did he say anything about the people who would vote for Captain Trench, say Catholic?—He said that they would be pointed out.

3298. Did he say anything except "the finger of scorn"?—No; I do not recollect his sentence to have followed any further. I do not

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not recollect much of it, indeed. I know that he said a good deal.

3983. Before the election, did you receive any threat from any person?—Yes.

3984. Will you state what threat you received?—I was told by a person to keep within my home, or that my life would be in danger, or, at least, that they would attack my house. He did not say who, nor did I ask.

3987. Were you instructed in any way before the election?—Yes.

3988. Were you shouted at?—Yes, on several occasions. At my own house I was shouted at in the night, or people shouted at the door, and they shook my iron gate.

3989. Do you remember what they said?—They believed that I was going to vote for Captain Trench, which I would have done if not deterred by the people. I was prepared that morning to go to vote for Captain Trench, but my health was certainly very bad, and being deterred by the people as well as my health being bad, it prevented me from going.

3990. Do you remember Mr. Furlong speaking to the people about any cure?—I do.

3991. Do you recollect his taking off his hat?—Yes.

3992. What happened then, when he took off his hat; did he shout, or what?—After mass he said to the people that they were to meet him outside the chapel door, or near an old convent house. I do not know whether he said about taking down people's names, but he said that the object was to get cars to go to the election. I and a few of my friends walked away from there, and I believe that on that account the people shouted. I went into a friend's house convenient to the place, and I looked from the hall as he was passing up, and he took off his hat, and the people shouted previously and afterwards.

3993. Do you remember any fires having been lighted in your field?—Yes.

3993. When was that?—I think that there was one lighted before the election in one of my fields, but I cannot swear to it; but there were a great many fires afterwards, and two of them were in my field, one opposite my door, and the other at the end of my house.

3995. Was that at night?—Yes, I think about two nights after the election.

3996. Did these matters create general terror and alarm?

Mr. Macdonagh.] My Lord, I object to that question.

3997. Mr. Parnell.] Of your own knowledge, did they create general terror and alarm?—I know that they created terror in my own mind, and I know that the country was in a more excited state than I ever saw it before.

Cross-examined by Mr. Macdonagh.

3998. Are you a tenant of Lord Clanricarde's?—Yes.

3999. When were you asked for your vote?—By whom?

4000. On the part of Lord Clanricarde?—Lord Clanricarde and his agent came to our neighbourhood some time before the election, and said that they wanted to go in. I do not recollect his having said, "I want you to vote," or anything of that sort. He never used any coercion in me to ask me to vote, but I certainly

would vote for him. I would vote for Captain Trench.

4001. You would vote, I presume, for any person that Lord Clanricarde would ask you to vote for?—I certainly would like to compliment Lord Clanricarde. I thought him a worthy, good landlord.

4002. Be good enough to answer my question: will you tell me what Lord Clanricarde said when he and his agents came amongst the tenants?—Lord Clanricarde said that he and his tenants were always good friends, and that he hoped they would be so in spite of all that was said by newspaper reporters. I think that it was in Sir John Gray's paper.

4003. Go on; was there anything else?—I do not recollect anything particular which he said then. He may have said some other things which slip my memory at present.

4004. Try and prevent your memory from being deceptive in any way at present; try and recollect distinctly all that occurred on that occasion. What is the name of the agent, first?—Mr. Blake.

4005. And he is alive and well, I believe?—I suppose he is.

4006. And this occurred in his presence?—Yes.

4007. Tell his Lordship the whole of what Lord Clanricarde said.—I do not recollect at present that he said anything but that. That was almost the substance of what he said—that he was proud that the tenants on his property were in comfortable circumstances, and were always good friends, and he hoped that they would remain so in spite of all that had been said by newspaper reports.

4008. And he hoped that they would always remain good friends to him?—Yes—at least that the tenants and landlord would be good friends to each other.

4009. And he asked for your vote?—Yes. We knew the object of his coming.

4010. And you knew the object of his agent accompanying him?—Yes.

4011. And you knew that the object was to solicit your votes?—Lord Clanricarde never said a word to solicit my vote upon that occasion.

4012. He said what you have stated?—Yes.

4013. And when he said that he hoped that he and the tenants would continue good friends, did not you understand by that, that if they voted against his wishes, they might not continue good friends?—I do not know about that; I could not say.

4014. What inference do you draw from it?—The inference which I drew from it was that I supposed that he wished that we would vote for him.

4015. You, I presume, knew nothing about Captain Trench?—Yes, I saw him before.

4016. Had he ever canvassed you?—Never.

4017. You were canvassed upon Captain Trench's behalf by Lord Clanricarde, and his agent?—By Lord Clanricarde's agent.

4018. In the presence of his Lordship?—He said that he was going to vote so himself.

4019. That he was going to vote for Captain Trench?—Yes.

4020. And did you then promise?—No.

4021. Why did not you promise?—I did not like to bring myself before the public at that early time. I should make a great sacrifice to vote for Lord Clanricarde.

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4022. How many of the public were present on the occasion. Was not *Lord Clanricarde*, his agent, and yourself?—No.

4023. Who else?—A great many others.

4024. Of tenants of his?—Yes, it was in the public road.

4025. Did he make a speech?—No.

4026. Did he address each tenant individually?—Yes, he made a few remarks which I am after explaining.

4027. And you did not promise *Lord Clanricarde* then?—No.

4028. Did you hear other men speak of their principles?—No, they said that it would be very disagreeable to have them go for *Captain Trench*; that he was not very well liked, or at least his father's family.

4029. And they said that to *Lord Clanricarde*?—They intimated it. Those were not exactly the words.

4030. But that was the substance?—That is as much as I recollect.

4031. Did you express yourself in that way that you had any objection on the score of religious difference, or otherwise, to any member of the *Clanricarde* family?—No.

4032. But they did?—Some parties intimated that they should like a more liberal candidate.

4033. And that they would like not to have to do it. What was said to them when they stated that?—They said that *Captain Trench* they considered to be a very good young man.

4034. Did *Lord Clanricarde* say that, or the agent who came?—I do not know which. I could not positively swear which.

4035. It was in reply, at all events, to their expression of unwillingness to vote for *Lord Clanricarde's* son. What else did they say, either *Lord Clanricarde*, or *Mr. Blake* the agent?—I do not recollect.

4036. I wish to get the whole. When they expressed their unwillingness, I want the whole of what was said. Their expression was that they would like not to have to do it?—No, I beg your pardon. I do not think that I said that. They intimated as much.

4037. What did *Lord Clanricarde* and his agent say then to induce the tenants to vote for *Captain Trench*?—He said that he thought *Captain Trench* was a very good young man.

4038. Anything else?—That some parties might have some objection to *Lord Clanricarde*. I do not know the words which they made use of, but the summary was that one of them said that the father might be bad and the son might be very good.

4039. Was that some of the people, or *Lord Clanricarde* and his agent?—*Lord Clanricarde* or his agent. I think that it was his agent.

4040. What further occurred. Finally were the people persuaded to say that they would vote for *Mr. Trench*?—No, there was little or nothing said on the part of *Lord Clanricarde* or his agent to coerce his tenants at all.

4041. Will you repeat that. Did you say that little or nothing was said by *Lord Clanricarde*, or his agent, to coerce his tenants to vote?—I believe that I did say that.

4042. Did the persons who remonstrated, and who stated their unwillingness to vote for *Captain Trench* withdraw that unwillingness, or did they continue in it, or did they positively promise to vote for *Captain Trench*. What occurred?—I was one of the persons myself who made the observation that I should not like to vote for

Captain Trench; something to that effect. I afterwards made up my mind that I would vote for my landlord, with my landlord's interest.

4043. You yourself were one of the very persons who so expressed yourself?—Yes.

4044. You say that you were in delicate health?—Yes, I was at that time in very delicate health.

4045. You are in good health now, I think.

I hope so.
4046. I presume that when you thus remonstrated against being asked to vote for *Captain Trench*, you really had a conscientious scruple to vote for *Lord Clanricarde's* son?—No, indeed, not a very great deal that way. I would vote for a Protestant or a Catholic, any good man, if I was left to myself.

4047. What did you mean to convey by your expression in saying that you were unwilling to vote for *Lord Clanricarde's* son?—The reason of that was that I did not like to turn the people against me. I knew that a great many of the lower order of people there would have used threatening language towards me, for saying that I was going to vote for *Captain Trench*.

4048. Did not you know that the people were hostile generally to voting for *Lord Clanricarde's* son?—A great many of them were.

4049. How soon after that did you make up your mind to vote for *Captain Trench*?—I cannot exactly say what time it might be—it might be immediately afterwards, or it might be then is *Lord Clanricarde*. I thought very differently from what I stated. I did not want to bring the people against me at that early date.

4050. And you might have made up your mind on the spot?—Yes; or perhaps before that.

4051. Did not you swear to me a moment ago that you did not make up your mind until after that?—I think not; if I did, I did not mean it.

4052. Then had you made up your mind to vote for *Captain Trench* before that day. You did not think about it?—Certainly. I was thinking about the election.

4053. Had you made up your mind to vote for *Captain Trench* before the day that *Lord Clanricarde* and his agent came?—I made up my mind to vote for my landlord.

4054. You made up your mind to vote for your landlord before he ever showed himself—am you sure of that, if you are sure of anything?—Yes.

4055. And having made up your mind to vote for your landlord, why did not you promise to vote for him?—Because it would bring the ill-feeling of the people against me.

4056. How many more of the people complained that they were unwilling to vote for *Lord Clanricarde's* son?—I think that there were no great objections by any except myself. I think that I was the principal person who made any complaint.

4057. You were, then, the chief spokesman?—No.

4058. Did others speak?—Others spoke.

4059. What was the precise date of that risk of *Lord Clanricarde's*?—I could not say.

4060. How soon after Christmas was it?—I cannot tell you.

4061. Did you hear of the Longtree meeting of noblemen and gentlemen on the 13th of December?—Yes; I heard of it from the newspapers.

4062. Then probably you have perused the correspondence

correspondence which occurred between Lord Clanricarde and Sir John Gray?—Yes; I think that it is likely that I saw it.

4068. Have you a doubt about it?—Not a bit.

4069. Then you had been considering the merits of the question?—Read the newspapers.

4065. Christmas is a remarkable time; the 13th of December, just before Christmas, was the time of the Loughrea meeting. How soon after the 13th of December did Lord Clanricarde come amongst his tenants to canvass them for Captain Trench?—To the best of my belief, as near as I can go to it, I think that it was something about 15 or 16 days before the election.

4066. How long before you heard Mr. Furlong speaking in the chapel was it that you saw Lord Clanricarde there?—The Rev. Father Furlong was speaking before he came there at all upon the election.

4067. I am referring to what you have proved against that gentleman. He spoke of the Old Serpent coming amongst them to coerce the people, and you understood that to mean Lord Clanricarde, did not you?—Yes.

4068. How soon was it after Lord Clanricarde and his agent came amongst the people—how many days after that was it that the Rev. Mr. Furlong made that speech?—I could not tell you the exact time.

4069. Do you not know that it must have been after Lord Clanricarde had been there that Mr. Furlong spoke about the Old Serpent having come amongst them to do it?—Yes.

4070. Had the agent's bailiff required the attendance of the voters to meet Lord Clanricarde?—He called, I believe, at the house, and told them that Lord Clanricarde and his agent would be there in the course of half an hour, and that he would wish to see them.

4071. And did the bailiff call upon you?—Yes.

4072. He delivered a message to you?—He delivered it at the house.

4073. How many attended?—Only a very few of the voters.

4074. How many voters?—I believe about five or six.

4075. Was Michael Killeen, that relation of yours, present?—Yes; the last witness.

4076. Have you ever voted before?—Yes.

4077. Did you vote upon the occasion of the previous election?—Not upon the occasion of the last election.

4078. Did you vote on the occasion of the election at which Sir Thomas Burke, Mr. Gregory, and Lord Danlo were the candidates?—I believe I did.

4079. For whom did you vote then?—I think for Sir Thomas and Mr. Gregory.

4080. And you voted according to your principles?—Yes.

4081. Your principles were, I presume, Roman Catholic in religion, and Liberal in politics—is that so?—I am a Roman Catholic.

4082. And were you a Liberal when you voted for them?—I do not profess to be anything particular in politics.

4083. Your politics are your landlord?—Yes; the man that gives me a good living, I wish to compliment him.

4084. And you would vote for him, whoever he asked you to vote for?—I did not say that, I think.

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4085. Do not you mean it?—Partly.

4086. However, you did, on this occasion, struggle a little?—No; I wished to vote for Lord Clanricarde, for Captain Trench.

4087. How soon after that did somebody call upon you and do what you have described, telling you to keep within your house?—They did not call upon me at all; I met a person in my own house, and he told me that my life was in danger, and to keep within my own house.

4088. How soon was it after you had seen Lord Clanricarde that this occurred?—I could not say.

4089. Any days?—It might be a few days.

4090. What is the name of the person who gave you that caution?—My Lord, am I bound to answer that question?

4091. Mr. Justice Keogh.] Yes.—I do not like to bring him under the notice of the public. It is not from any feelings of my own.

4092. Mr. Justice Keogh.] Do you believe, or have you any reason to believe, that the person will incur any personal danger if you mention his name?—I could not swear, but he might be, I do not say in danger, but the public would have a dislike to him, I think; I have no objection whatever myself to give the name of the person, only for the reason which I state to your Lordship.

Mr. Macdonogh.] We cannot be fighting in the dark with shadows, and the Witness's explanation of this kind as to bringing the person under personal danger might certainly be a legal ground for his refusing to answer; but the Witness's credit is involved.

Mr. Justice Keogh.] If you put it upon the ground of his credit, I will allow the question to be put; but it is rather a grave thing to require him to do it after what he has said, that the person's life might be in danger.

Mr. Macdonogh.] If your Lordship gives me a suggestion not to do it, I will not do it.

Mr. Justice Keogh.] I do not like to give any suggestion.

Mr. Sergeant Armstrong.] People have been assaulted.

Mr. Justice Keogh.] You are quite at liberty to prove that. That has been over and over again done, and very remarkable circumstances have been brought forward.

Mr. Sergeant Armstrong.] Gentlemen have been most barbarously treated.

Mr. Justice Keogh.] It occurred in a case which is fresh in my memory, pending the sitting of a Committee of the House of Commons, and the House of Commons dealt in a very summary fashion with it, and I have the same powers.

Mr. Macdonogh.] Your Lordship exercised the same powers at Carrick-on-Shannon.

Mr. Justice Keogh.] I did. There was a resident magistrate there who was wounded; not very badly wounded, but he might have been seriously wounded. I think that it would meet the exigency of the case if the Witness wrote down the name of the person referred to, and handed it in to Mr. Macdonogh.

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Mr. Macdonogh.] My Lord, I will assent to that at once.

Mr. Justice Keogh suggested that the names of the persons in question should be written on a piece of paper, which should be handed to the Counsel and Solicitor for the Respondent. (This was accordingly done.)

4093. Mr. Macdonogh (to the Witness).] I am at liberty to ask you the question whether the person was a male or female?—Female.

4094. Did you know that your cousin Kilken would not vote?—I did. You mean Mick Kilken, I suppose?

4095. Yes. Did you know that other voters went in with him and voted?—Yes.

4096. And you saw them come back after voting?—I saw them the day after, I think, or a few days afterwards; I did not see them that evening.

4097. And you are the gentleman who, when talking to Lord Clanricarde and his agent, expressed his unwillingness to vote for Captain Trench, Lord Clanricarde's son; you are the gentleman who stayed away from fear, are you?—Yes.

4098. You are a younger man than any of them, I believe?—No, I am not younger than either of them.

4099. You are younger than Mick Kilken?—Yes.

Re-examined by Mr. Perce.

4100. At the interview between Lord Clanricarde, you, and the other tenants, did either Lord Clanricarde or his agent use any threat to induce you to vote for Captain Trench?—Not the slightest.

Mr. Macdonogh objected to the question.

Mr. Perce was heard in support of the question.

Witness.] I do not object to answer the question.

Mr. Justice Keogh said that if it was considered important the question might be put in this form: "Was anything else said or done except what you have stated?"

4101. Mr. Perce (to the Witness).] Was anything else said by Lord Clanricarde that you remember to force you to give your vote for Captain Trench?—Not the slightest.

4102. Did he use the words suggested by my learned friend, Mr. Macdonogh: "I insist upon your voting for Captain Trench"?—No; nothing of the sort.

4103. You say that you on that occasion concealed from Lord Clanricarde your intention of voting for Captain Trench?—Not from Lord Clanricarde, but from the people. I did not like to have it known at that early time.

4104. Was that because you accompanied—

Mr. Macdonogh objected to the question.

4105. Mr. Perce (to the Witness).] Will you tell us distinctly why it was that you did not openly state that you intended to vote for Captain Trench?

Mr. Macdonogh objected that the witness had already given an answer on this subject in cross-examination.

4106. Mr. Perce (to the Witness).] You say that you concealed your intention of voting for Captain Trench. Why did you conceal your intention?—On account of the feeling that was in the country at the time. I thought I might be in danger, and I did not want to get my mind known at that early period.

4107. Had Father Furlong, before Lord Clanricarde made that visit to his tenants, made any allusion to the election?—Yes.

[The Witness withdrew.]

JOHN FORDE, sworn; Examined by Mr. Serjeant Armstrong.

J. Forde.

4108. Do you live near Eyrecourt?—I do.

4109. You are a Catholic, I believe?—I am a Roman Catholic.

4110. You have a vote?—I have.

4111. Do you recollect being at mass on the Sunday before the election?—I was there on the Sunday before the election.

4112. That would be the 18th of January, I believe. Who was the priest who said mass?—Father Furlong.

4113. Did you vote for Captain Trench?—I did.

4114. Whose tenant were you?—The Marquis of Clanricarde's, and Captain Stephen Cowan's, of Gurtamore.

4115. You voted for Captain Trench?—I did.

4116. And I suppose you made up your mind for some time before the election to do so?—It was early after the Loughrea meeting. Captain Stephen Cowan was the first Roman Catholic who canvassed me to vote for Captain Trench.

4117. Did you promise that you would do so?—I promised that I would; but I saw the excited state of the country, and he did not persevere with any other tenants than myself, and they were all crying "Fie!" at me, to go and expose them. All of them (not all, but some) said that until I had decided on not going with

Mr. Cowan; and then the Marquis of Clanricarde expressed a wish that his tenants would support Captain Trench, and I went with a few of his tenants and voted for Captain Trench.

4118. Was it known through the country that you were inclined to vote for Captain Trench?—It was, because I did not disguise my intention. I would like to please my landlords, and I saw that there was nothing Catholic or Protestant connected with it. I saw all the Roman Catholic proprietors of the country, and the intelligent men supported Captain Trench, Lord Westmeath, and Sir Thomas Burke, my own landlords, and the landlord's agent, Mr. Joyce, and all of them. I did not think that there was anything connected with religion; I thought my conscience was quite free to vote for a Protestant as well as a Catholic.

4119. And that was known through your parish?—It was.

4120. You appear to be a man who is capable of opening his mouth. When you went to chapel on the 28th, what did Father Furlong say?—I thought that they were to speak of something concerning the election. The Sunday before that I did not go.

4121. You did not go on the 21st?—The Sunday fortnight before the election I did not go to

to mass, and when they spoke that day, I did not think that any of them would speak the next day.

4122. You heard what they spoke that day, I suppose?—I stayed away.

4123. Not thinking that they would speak again, you went the next Sunday?—Not thinking that they would speak again, I went.

4124. When you went on the 28th, will you tell us what Father Furlong said?—I could not tell you one word of it. I was a good piece up the chapel, and there was not one in the chapel to vote for Captain Trench, except myself, nor, I believe, a Roman Catholic in the town, and the eyes of the people in the town were on me, and I got annoyed, and my head was a little tossed from seeing the position I stood in, between the people and the wish of my landlord.

4125. Were you pointed at in any way?—I was.

4126. Was it with the fingers?—I saw a few people, and I heard talk of my name.

4127. In the chapel?—Yes, but I could not be able to identify any word he said.

4128. But attention was called to you; you were pointed out to them?—I was.

4129. Was there an agent of Captain Nolan's in the chapel that day?—There was a man that I heard was an agent, and I believe he was an agent, but I cannot swear that he was an agent.

4130. What is his name?—Pat Grady, of Eyrecoort.

4131. What did pass at the chapel?—I was standing near the door going in, and I remained so during the time he was speaking. He did not say a great deal.

4132. Who spoke?—During the time the priest was speaking I was standing convenient to another man in the chapel, and Grady moved up, looking into my face, and striking one hand with the other, and saying that was the way to keep down the Orange flag.

4133. Did you see what part of the chapel Grady had been in?—I cannot say how near the altar he was, but he came in the direction of the door, up towards where I was standing.

4134. Although you did not hear what Father Furlong was saying under the circumstances you have explained, was it during Mass, before the last Gospel?—So well as I can recollect, he left the altar. When he had done speaking from the altar he spoke of the election, and when he had done speaking of the election, I think he went off the altar.

4135. Was the country about you in a disturbed state at night?—Well, I cannot say it was disturbed; the people were under excitement.

4136. Did you see bon-fires?—I saw wisps; I saw bon-fires.

4137. What did the "wisps" do?—They used to burn, of course.

4138. Were they in fellows' hands?—I think they were.

4139. Would you see them at night, moving about through the country?—I did.

4140. You could not see the man that was holding them, but you could see the flaming light through the country?—Yes.

4141. Moving about?—Yes.

4142. While that was going on, were you ever grieved at, yourself?—I was.

4143. At night?—Yes.

4144. Did they come near your house?—No; 241—I.

there was no violence offered to my house, nor to my person, more than greeting my name.

4145. Could you hear your name greeted and shouted by them at night?—I did.

4146. Did you like that?—I did not; and if I was allowed, I would have made resistance.

4147. Do you recollect the fair-day at Eyrecoort?—I do.

4148. Was it before the election?—No.

4149. After the election?—Yes.

4150. Do you remember the horse that was dressed in green ribbons, drawing turf for the bon-fire?—Not in green ribbons; he was covered altogether, from the saddle to the nose, with green calico or green silk—I could not say which.

4151. How near Eyrecoort do you live?—Something between a mile and half a mile.

4152. Did you ever see that Pat Grady do anything else in the way of acting for Captain Nolan, beyond what he did to you at the chapel?—I have land beyond the town: I have land on both sides of the town, and I often go there at night. He met me one night, previous to this occurrence in the chapel. I heard that he was Captain Nolan's agent, and I was passing down at night (a dark night), and he asked, "Is that John Forde?" "It is," says I. "I want you," he said. "Be off," says I. That is what I said. I suspected what he wanted of me; I thought that was his reason for making the attack in the chapel.

4153. Was it after that that he struck his one fist against the other, and said that was the way to put down the Orange flag, looking in your face?—It was.

4154. I suppose you are not an Orangeman?—No.

4155. Was there any Orange flag in what you saw?—I saw no flag, except the green.

Cross-examined by Mr. *Moss Deirnot*.

4156. This little incident which you told last, was before he spoke about the Orange flag in the chapel, to you?—It was.

4157. How long before it?—I could not exactly tell.

4158. How many days did you say?—Well, it might be two or three, or it might be more.

4159. Do you attribute what you heard him say in the chapel, to your having said to him, "Be off, now," in a rude way?—I did not consider it one bit, for I did not get rude at all.

4160. Was it on account of your telling him to be off, that he addressed you in the chapel?—That, and being going to separate from the rest of the people.

4161. You did separate from the rest of the people?—I did.

4162. My learned friend asked you did you admire the Orange flag; have you any objection to the green flag?—Not a bit.

4163. Did you dislike seeing a horse hooded in green, as you describe it?—Well, I was not to be proud of it, for I do not like excitement; I do not think it would suit me.

4164. Do you like elections at all?—We cannot be without elections.

4165. Do you like elections?—Well, I hope it will be long till I see such another election.

4166. Do you like contested elections?—I never wish to see such an election as the last.

4167. But on the whole do you like contested elections?—I do not consider that I can give an accurate answer.

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4168. Would

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4168. Would you not wish never to have a contested election in Galway?—Well, as far as I am interested in elections, I do not care whether there was or not.

4169. Are you an admirer of the landlords?—I would like to compliment my landlords when they are good ones, and if they were not I would not.

4170. Would you wish that the landlords of the county should have the appointment of the Members of Parliament for the county. Would you prefer that right of appointment should be vested in the people or in the landlords?—I would prefer the landlords in preference to the bulk of the people, that was the other side. I think the voters all have the proper right.

4171. We have been told that there are nearly half a million people in Galway; would you prefer the right of returning members to be in the hands of the landlords who have good farms to give away to deserving tenants, or in the hands of the population?—I think we would be safer in the hands of a good, honest, fair-thinking landlord than in the hands of an excited people.

4172. So you would like to vest the returning of the members in the landlords?—I do not want to choose for anybody but myself, but that is my opinion. When I say "excited" I do not allude to the entire of the voters.

4173. What do you mean by "an excited people"?—I mean a people trying to separate the voters from the landlords and going about at night with wigs and saying, "Down with such a man."

4174. Do you consider lighting wigs a crime, to begin with?—I do not say it is.

4175. Do you consider cheering a crime?—I consider that an excited people is a bad thing.

4176. We will all agree in that for the present; we will take what the form of the excitement was. Do you consider that they having gained a triumph, the lighting of "wigs," as you call it, was a crime?—I think it backed up the excitement in a great measure.

4177. Did you consider that the lighting of wigs, as a token of their success, was a crime?—I do not say that it was a crime, but I say that it assisted in carrying out the excitement.

4178. We will see what the excitement is made up of. Do you consider cheering for a popular candidate a crime?—I do not consider it a crime. I did not say it was a crime.

4179. Do you consider hooting an unpopular candidate a crime?—I did not hear who was the unpopular candidate.

4180. Never mind about that. Do you consider hooting an unpopular candidate a crime?—I am not a judge of that.

4181. Which would you prefer: following the priests or following the landlords?—I think I had a very fair view to take, that all the enlightened Catholics in my county took part with Captain Trench; I have the greatest confidence in the Marquis of Clanricarde, although being a Protestant, and his agent Mr. Blake, and in my other landlord, Captain Stephen Cowan, and all the gentlemen I know with large properties, Captain Blake has a large property in the neighbourhood.

4182. He gives good farms, and you have a farm from Captain Cowan, and also from Lord Clanricarde?—Mr. Cowan did not give me the farm. I had it, and he purchased it, and he has treated me well since he came over.

4183. Are you aware that the priests did not take the same view of the election as you took,

is not that so?—I am certain: I believe they did not.

4184. Do you consider the priests enlightened Catholics?—I do.

4185. Which are the more numerous, the priests or the landlords?—I consider the priests enlightened Catholics; I have respect for them; I meant the Catholic proprietors; I did not mix up the priests with them.

4186. Which do you think that the people ought to place more confidence in, the Catholic proprietors or the priests?—I think for eternity, they ought in the priests; and I think in the public welfare the landlord is the man for them to follow.

4187. Do you think that the Land Bill which was lately passed was useful to the tenants?—Where a man had a bad landlord it was.

4188. Did you consider that that was a useful law for the tenants?—I think it is, in a great measure.

4189. On the whole, do you not consider it a useful law?—I have derived no benefit, and I hope I never will, from it.

4190. Do you judge of the public weal by your own particular individual interest?—I do not want to judge for anyone but my own feeling; I never interfered with a landlord; I would carry a voter for Captain Nolan as soon as I would carry a voter for Captain Trench, but I drove for Captain Trench.

4191. You would carry voters for anybody if they paid you?—No, I would not take payment for a seat along the road.

4192. Now attend to me for a moment; you consider that the interests of the landlords in this world—their temporal interests—and the tenants' interests, are more identified than those of the priests and the people?—I think that in public business, and not dealing—

4193. Supposing the landlord's interest was opposed to the Land Bill, and the tenant's interest was assisted by the Land Bill, do you think that the landlord and the tenants would be identified in interests?—Sir?

4194. Supposing the landlord's power over his land was curtailed, and the tenant's rights were increased by the Land Bill, would you think that the landlord's rights and the tenant's rights were identical?—I think if they had a little share of the privilege they ought not to possess upon the landlords.

4195. What do you mean by that?—That they ought not to go right opposite to them when they have a kind of Tenant Bill. I think that they ought to be grateful to a good landlord. There are a very few in this country that have not experienced and not seen wholesale evictions, and when a man would not be disturbed by a good landlord, I think he ought to pay him a small compliment by voting for his friends.

4196. You think that a good landlord ought to receive all the votes of his tenants?—Well, I think that he ought to be complimented.

4197. Supposing in another county the landlords were all Conservatives, and first-rate landlords, do you think also they ought to get the votes of the people?—Oh, I don't want to go to another county at all.

Re-examined by Mr. Sergeant Armstrong.

4198. You are pleased to stay in Galway?—Yes.

[The Witness withdrew.]

Mr. THOMAS ATTFLEARD JOYCE, sworn; Examined by Mr. Murphy.

4199. You are a Catholic gentleman, resident in this county?—I am.

4200. Your family place of worship is Craughwell, I think?—Yes.

4201. Previous to the election do you recollect hearing the Rev. Mr. Quinn make any observations from the altar in reference to the coming election?—Yes.

4202. Were you and your family in the church on that day?—Yes, in the sacristy.

4203. Were the ladies of your family there at the time?—Some of them were.

4204. Will you please to tell the Court as accurately as you can recollect, what he said in reference to the election?—He spoke about Captain Nolan and Captain Trench, and made some remarks which I did not take any particular notice of, and he said then that two of his parishioners had promised to vote for Captain Trench. He warned them that if they did not retract their promise before that day—wait now, and I will just tell you the exact words: He warned them that if they did not retract that promise he would denounce them from the altar, and probably on that day week. These were the words. And that any person who voted for Captain Trench would be a renegade, and that their names and the names of their children for three generations would be handed down from parish priest to parish priest as renegades.

4205. Was it at this time known that you intended to support Captain Trench?—Yes, perfectly well known.

4206. Did you believe yourself to be one of those pointed at by those observations?—Undoubtedly.

4207. Were those observations all that you can recollect on that Sunday?—Yes, and for this reason (it is necessary to say so): I was standing at the door of the sacristy, and on hearing those observations I felt so much pain that I walked back into the sacristy and sat down, and I heard no more of what he said.

4208. Did you attend chapel there the following Sunday?—Yes, I did.

4209. Was reference made on that Sunday also to the election?—Well, not in such violent terms. I took no particular notice of what was said on the next Sunday. On the last Sunday, before the election, he told the voters to go into the sacristy, and that he would make arrangements with them as to how he would bring them to the poll the next morning.

4210. Had it been customary for you and your family to sit in the sacristy during the service?—Yes, by the courtesy of the Rev. Father Arthur, any Sunday that I had not mass in my own private chapel at Rahassane, he gave me and my family the liberty of kneeling in the sacristy.

4211. Had that existed for many years?—Since I returned from Italy, about two or three years ago.

4212. Has it been discontinued since the election?—Two or three Sundays before the election it was discontinued.

4213. What was done?—I went, as usual, to the sacristy door, and one of the acolytes said that the key was lost, or was gone to Ballina. I took it for granted that that was the case, and I went into the body of the church. The next Sunday I went to the door, and one of the acolytes

told me that the door was locked, and he had orders not to allow us in.

4214. Were any members of your family with you on both those occasions?—Yes.

4215. The ladies of your family?—Yes. But it is right and fair to mention that I do not put the least blame on the Rev. Father Arthur, for a more kind or better clergyman does not exist in this county or in any other county. I do not blame the Rev. Father Arthur in the least for doing it.

4216. I have no reason whatever to dissent from your observation. You have said that it had been frequent, or usual, for you to have service in your own house?—Yes; I have had it for 20 years regularly every Sunday, until I went to Italy.

4217. Was it renewed after you went home?—When the Rev. Father Staunton came to the parish, he most kindly consented to give us mass every second Sunday.

4218. How far is your residence from your parish chapel?—I should say it is about $5\frac{1}{2}$ miles, and about $2\frac{1}{2}$ miles to Craughwell, and Craughwell being a mile nearer to me I go to that.

4219. Has that favour, or privilege, been discontinued?—It has.

4220. From what time was it discontinued?—From, I think, some time in January, during this election business.

4221. Can you attribute the discontinuance of it, or the hindrance to your entrance into the sacristy, to any other cause whatever, save the election?—None other, whatever.

4222. Had there been any change in the gentleman who was priest there previous to the election?—Indeed, there was.

4223. Who was the gentleman who had been curate previous to the election?—The Rev. Father O'Flanagan, and a very nice young gentleman he was, too.

4224. So far as you observed, did he take any part whatever in the political excitement which was then pending?—No. My opinion is, that he refused to take any part.

4225. When did he leave the parish?—He left it some time before Christmas, during this election excitement or the canvass. I could not tell you the exact date.

4226. Was his place supplied by the Rev. Mr. Quinn?—It was.

4227. Was it on his arrival in the parish that you first heard any allusion in your church to the coming election?—It was in the month of January.

4228. Had you solicited some tenants of yours to vote for Captain Trench?—I had.

4229. Did they promise to vote as you wished?—No; they said they would do anything they could for me, but in this instance they were very sorry they could not oblige me; that they would be afraid of the priest, unless they voted for Captain Nolan; that they did not care one pin about Captain Nolan.

4230. They exhibited no preference for him as a candidate?—No, they said that they had never heard much about him.

4231. Had you any opportunity further than what you have mentioned, of witnessing the state of feeling in your district previous to the election?—I had every opportunity.

4232. In

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Mr. *A. Joyce*. 4232. In what state was the country, or neighbourhood, about it?—I have been for 35 years mixed up a good deal in elections, and I never saw it in such a state in my life.

8 April 1872. 4233. Was the excitement very great?—Very great.

4234. In what way was it manifested particularly?—Going along the roads you were shouted and hooted at in the streets, in such a way as was quite new to me. I was insulted and called a "jumper," who had sold my vote and every kind of thing that you can think of, but it did not take much effect upon me, I am happy to say.

4235. Could you attribute these repeated insults to you to anything else save the excitement then pending with reference to the election?—None whatever.

4236. No other cause that you can assign?—None.

Cross-examined by Mr. Macdonagh.

4237. You say that for about 35 years you have taken part in the elections?—Yes.

4238. That was your natural duty and your perfect right. I take it for granted that you have always supported the candidates connected with the Clarendon family?—No, certainly not, quite the contrary.

4239. Did you support Sir Thomas Burke at his elections?—I did support him at an election, but I am afraid that it was a very qualified support which I gave him.

4240. Did you vote for him?—I did on the solicitation of Mr. Gregory.

4241. Did you vote for Mr. Gregory?—I did. He was my principal friend whom I wished to see returned, and if I saw him safe I would vote for Sir Thomas Burke.

4242. And you accordingly did so?—And I accordingly did so.

4243. And against Lord Dunlo?—Against Lord Dunlo.

4244. I take it for granted that your principles are what are called Liberal in politics?—Yes.

4245. I think you said to my learned friend opposite, though the question was not, I think, asked, that the people heard nothing good of Captain Nolan as a landlord?—I did not say "the people." I said the tenant that I was speaking to. I asked him the reason why he would not vote for Captain Nolan, and that was one of the reasons which he gave.

4246. Did you vote for Captain Trench?—I did.

4247. Did you drive in your own vehicle two tenants?—I came in from my brother's place Meaview, about a mile from here, and I polled here in this very Court House, which was my polling place.

4248. Did you drive in in your own carriage, or in your brother's?—I think it was my brother's.

4249. And he voted also?—He did. We voted nearly together.

4250. And both voted for Captain Trench?—We both voted for Captain Trench.

4251. Did you bring in any of your tenants?—They would not come.

4252. Otherwise you would have brought them?—Certainly, as I always did. I did my best.

4253. You tried to persuade them to come with you?—I did in every legitimate way I could, and after all I do not blame them for not coming, not the least.

4254. Were you at the Loughrea meeting?—No, I was not.

4255. Of course a gentleman of your respectability and position got one of the misses?—I did.

4256. They would not leave you out?—I am much obliged to them.

4257. How did it happen that you were not there?—I do not think I was in the country just at the time.

4258. The best reason in the world. But you heard of the resolutions come to at the meeting?—I did.

4259. To support Captain Trench?—Yes.

4260. And to prevent Captain Nolan's return?—I did.

4261. You heard that Sir Thomas Burke said that there was no disgracing the matter, the meeting was to shut out Captain Nolan, a humbug?—Well, I think it was, and it was pretty right.

4262. I presume you cordially concurred that the person who submitted to the Port-a-Carron award should be shut out?—I did most cordially.

4263. I knew I was addressing a gentleman who would speak it out at once. It is hardly necessary to ask you whether this hooting upon the road had the least effect upon your mind?—Not the slightest.

4264. You were a gentleman not to be terrified?—I do not know that, but I was not terrified; they did not frighten me in the least; I rather enjoyed it of the two.

4265. Do you think that if Captain Trench wanted a real supporter, a thorough gentleman, and a man that could make his way in the crowd, he could have chosen a better man?—He might very easily.

4266. He could not, I think. If I was a candidate I would seek the honour of your assistance in a mob. When you came up to vote here, were there many voters just then?—Not many, very few.

4267. About what hour was it?—About half-past eight o'clock in the morning.

4268. How long did you remain in the town on that day?—I remained until two or three o'clock, I think.

4269. And you walked about the town, I suppose?—I did, and I came down here during the day.

4270. And saw the polling going on?—I did. I saw some polling going on here.

4271. I presume that the election was substantially over about half-past three o'clock?—Yes. Indeed I think even earlier than that.

4272. Who was the deputy sheriff at the poll here?—I think it was Mr. Trench, as well as I recollect; however, that is easily found out.

Mr. Justice Keogh.] That is on the poll books.

4273. Mr. Macdonagh.] You saw the voters for both sides, both for Captain Trench and Captain Nolan, coming up?—I did.

4274. At the time that you were polling which was the greater number, the friends of Captain Trench, or the friends of Captain Nolan?—We were ahead at that time.

4275. That was good tactics, polling the voters in the early morning?—But they very soon failed.

4276. I suppose that all the landlords were exhausted very early?—They were.

4277. Though

4277. Though they had the bone and sinew behind, they could not carry the election?—They could not.

4278. In short, a majority of the frieze-coated men carried the election?—No; the priests and the clergy.

4279. The majority of the frieze-coated men voted for Captain Nolan?—Yes; I think the priests heat us better; they gave us a great beating.

4280. I take it for granted that Craughwell was not your parish chapel?—No; but it is a mile nearer to me than my own parish chapel.

4281. I believe that you know that it is rather contrary to the rules of the Roman Catholic Church for persons to sit in the society?—No; I know quite the contrary, at least in a few places that I know in Wexford, the parish church at Ballycasar, the Lambert family go there. I have not had much experience in it because I have had Mass in my own house for the last 20 years. I was very much obliged to the Rev. Father Arthur for giving me the privilege. It was a great courtesy, I thought, and I was very thankful and am thankful to him.

4282. As I understood, you stated that the Rev. Mr. Quinn said that one or two of his parishioners had promised Captain French?—That is quite right.

4283. And that if they did not recede from that?—Retract.

4284. Quite so; he would denounce them the following Sunday?—That it might be the following Sunday; those words made a great impression.

4285. You were not his parishioner in the strict sense?—No, I was not.

4286. And on the following Sunday you did not hear any denunciation of yourself at the altar?—None that I recollect; he spoke of the same thing each Sunday, but I did not hear him use such strong language as that.

Re-examined by Mr. Murphy.

4287. You were asked whether those threats or denunciations made from the altar in any way affected you or terrified you?—Not in the least.

4288. In your opinion would they be equally of no avail with the ordinary frieze-coated people?—Quite a different thing altogether; of course they would.

Mr. Macdonogh objected to the evidence.

Mr. Murphy pressed the question and was heard in support of it.

Mr. Justice Keogh ruled that the question was legitimate as regards the shouting on

the roads, but not as regards the words used in the church, except as to the effect produced upon an individual man.

4289. Mr. Murphy (to the Witness.) With reference to the shouting and shouting on the road, in your opinion were they calculated to create terror and alarm in the minds of humble people?—Yes.

4290. You knew it as a fact?—Undoubtedly; very great terror and alarm.

4291. You said that you used all the legitimate means that you could to induce your tenants to come to the poll?—I did.

4292. What reason did they assign to you for not coming?—They said that they would be afraid of the priest not to vote for Captain Nolan. I said, "What would you be afraid of?" They said, "Well, I would be afraid that the priest would not let my wife or my children into chapel if we did it; and sure it would be a terrible thing to put us in that way, your honour." Those were the very words they said.

4293. You were asked something about it being contrary to the rules to sit in the society. During the long time that favour was granted to you, did you hear anything suggested as to its being contrary to rules?—No. The Rev. Mr. O'Flanagan and Father Arthur were there, and they were always very glad to see me, and they acted with the greatest possible courtesy and kindness to me.

4294. You never heard it started until the election time?—I never heard it started. We were all most cordially treated.

4295. You were asked whether you had any objection to this Port-a-Carrou award; what was your objection to it?—I thought that it was from the beginning to the end a regular humbug to try to get into the county on this Port-a-Carrou award. I thought it was no use whatever. I will tell you exactly what it was. It struck me that he would never attempt to have this Port-a-Carrou award unless he wanted to get into the county and represent it, and that it was in that way that he thought to get in.

4296. Mr. Macdonogh.] Did you think that this idea of restitution, and letting people back after they had been evicted was a bad precedent?—If he had carried it out, it would have been a splendid precedent; but he did not.

4297. A splendid precedent for whom?—For the tenants who would get the money, but I think that the way he proposed it, it would be a very bad precedent for both landlords and tenants. It was the most absurd award I ever heard.

[The Witness withdrew.]

Sub-Constable WILLIAM CORNELL, sworn; Examined by Mr. Perce.

4298. I BELIEVE that you are a sub-constable of police, stationed at Williamstown?—Yes.

4299. That is on the borders of Roscommon, I believe?—Yes.

4300. Do you know the Rev. Father O'Connor?—Yes.

4301. Mr. Macdonogh.] From what part of France do you come?—My ancestors, I believe, were from that country.

4302. Mr. Perce.] Do you remember on some day in January last seeing Father O'Connor in the Market-place of Williamstown?—Yes, I do 241—I.

remember seeing him in the Market-square of Williamstown.

4303. Did you hear Father O'Connor on that occasion allude to the election?—Well, the reverend gentleman invariably spoke in Irish, and I do not understand the language, therefore I cannot swear as to any remarks he made use of; but as far as this, that I heard that anybody that would not vote for Captain Nolan—

4304. Mr. Macdonogh.] Did you hear him say that?—No; I did not.

4305. Mr. Justice Keogh.] You must not say what

Mr.
T. A. Joyce.

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W. Cornell.

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what you heard from anybody else.—I did not understand the language at all.

4306. Then you cannot tell us anything?—No.

4307. Mr. PERCE. Were there any voters there?—Well, I dare say there may have been.

4308. Did anyone in the crowd translate what he was saying?—

Mr. MANDERSTED objected to the question.

Mr. Justice KEogh allowed the objection, on the ground that the question could not be carried further, and that carried only so far, it could not be of use in the case.

4309. Mr. PERCE (to the Witness). What effect had the speech upon the electors?—

Mr. MANDERSTED objected to the question.

4310. Mr. PERCE (to the Witness). Did the crowd appear excited?—No; they were laughing and jesting among themselves, partly approving of these expressions; but, of course, I cannot give what he said at the time, unless I said what I heard them say.

4311. Did you know of any voter who was at Williamstown on that day?—I could not give the name.

4312. But do you know anyone who was a voter?—I cannot remember; it is such a long time; but I did not take any particular interest in it, do you see, and I am not able to give the names.

4313. Were you at Tuam on the day of the polling?—No; I was at home.

4314. On the day of the polling were you at Williamstown?—I was.

4315. Did you see the Rev. Mr. O'Connor upon that day?—I did.

4316. Did you see any parties with him?—I did.

4317. Were there any bands of music, or any musicians?—There was what they term a Highland piper.

4318. Had the people who were with the Rev. Mr. O'Connor any ribbons or decorations on?—

Yes; they wore green ribbons about their hats.

4319. Did you see the Rev. Mr. O'Connor and this party with the Highland piper all set out from Williamstown on that day?—I did.

4320. Was the crowd going after the reverend gentleman an excited crowd?—They were all one mob. There were no opposite parties. They were all shouting for Captain Nolan.

[The Witness withdrew.]

JAMES O'DOWD, sworn; Examined by Mr. Sergeant Armstrong.

J. O'Dowd.

4321. ARE YOU A TENANT OF CAPTAIN BLAKENEY?—I am.

4322. I believe he has other tenants on the same estate?—Yes, he has.

4323. Is Patrick Lemanan one?—Yes.

4324. John Melody?—Yes.

4325. Pat Noon?—Yes.

4326. Andrew Noon?—Yes.

4327. James Kinneely?—Yes.

4328. Do you know Tom O'Brien, too?—I do.

4329. Did Captain Blakeney ask you to support his friend, Captain Trench, at the election?—Yes.

4330. Did you intend to do so?—I did not intend up to then.

4331. After he asked you, did you intend to do so?—I told him that we would not.

4332. Is that (handing a paper to the Witness) your own handwriting?—It is not.

4333. Do you recollect a letter being sent for you?—I heard of its being sent forward.

4334. You knew it was going?—Yes, I gave my sanction for it.

4335. Did Captain Trench canvass you?—He never asked me for my vote.

4336. Did you ever promise any of his agents or friends who canvassed you?—No, there came none of his agents.

4337. Did he ask you to give him your support?—Never.

4338. Was he by himself where you saw him?—He was.

4339. You authorised this letter (handing a letter to the Witness), and there is your name. Just read it to yourself. (The Witness read it to himself.)

4340. Are the contents true?—

Mr. MANDERSTED objected to the question.

Witness. I could not say whether the contents are true or not, because I never gave my sanction. I said, "What you are

all willing to do I will do; but if you take my advice it will be much better to go over to the Captain in a body and speak to him upon the subject;" but I never had it read to me.

4341. All these men are voters?—They are.

4342. Will you tell us all that you were talking about; what was it you were going over to the Captain to tell him?—To tell him that we did not like to vote for Captain Trench.

4343. You were all talking about it amongst yourselves?—Yes.

4344. Did you say anything about fear?—No, not a word.

4345. Or anything about your houses being burnt?—No, not a word. I was not in the slightest terror of it, nor am I now.

4346. Did you promise Captain Blakeney's agent to vote for Captain Trench?—No; nor he did not ask me.

4347. Did you tell Captain Trench you would not vote for him unless you could be protected, but that you would if you could get protected?—He told me he would send cars for us, and there were no cars for us.

4348. Did you say this minute that he never canvassed you?—He never asked me would I vote for him.

4349. What do you think he came to you for?—I cannot exactly say.

4350. Was it to ask you for your vote?—Very likely it might be.

4351. Do you think it was?—I suspect it was.

4352. Did you believe it was?—I did not believe it; I could not believe what I did not know, nor you either.

4353. Did you ever see him before?—Yes.

4354. Did you know he was a candidate?—Yes, I heard that he was.

4355. Did he come to your house?—Yes; outside the door.

4356. Did

4356. Did you not know that he was a candidate?—Yes.

4357. Looking for a vote?—Yes.

4358. Was not that canvassing?—He did not ask would I support him.

4359. Did he not ask the favour of your vote?—No.

4360. Not as a favour?—No.

4361. What did he say to you; did he ask you how your wife was?—No.

4362. Did he ask you how your children were?—No.

4363. Did he kiss any of them?—No. Sure, I would not let them kiss the men.

4364. These are the elements of canvassing, are they not?—Very likely.

4365. What did he say to you?—He told me that he was going to set up as a candidate for the county. I said, "Well, it was very good;" and he chatted about one matter and another; and I chatted with him too about one matter and another.

4366. How did he draw down about the cars?—I said that, "In case that we were to go to vote for you, how is it that we could go?" "Oh," said he, "I will send cars to take you down." "Very good," said I.

4367. Do you think that he meant to send cars to take you down to vote for Captain Nolan?—I did not think on any such thing. I was not determined to vote for either party. I was not determined at the time to vote for any man.

4368. "But," said you, "if we go, how will we go?"—Yes.

4369. "I will send cars for you," says he?—Yes.

4370. "That is very good," said you?—Yes.

4371. Did you say, "How will we be protected going?"—I did not.

4372. By the honour of the O'Dowds, did you say a word about being protected?—I did not.

4373. Did you say a word about protection?—He said, "Would we be afraid to go." "No fear," said I; for he had the mobs all at his back, and that they would befriend him. "You might have been safe," says I; "but more than probably I would not be safe."

4374. Why did you say that?—For my own protection.

4375. Why did you say that you would be afraid?—In case I went.

4376. Why would you be afraid?—Were you ever afraid?

4377. Why would you be afraid?—

Mr. Justice Keogh.] You are to answer questions, and not to put them.

4378. Mr. Sergeant Armstrong.] Why would you be afraid; on your oath?—Why would any man be afraid?

4379. Would you be afraid of the priests?—No; nor of the persons either.

4380. Afraid of the bad state of the country?—No; I am afraid of no man, thank God, at all.

4381. Would you be afraid of the mob?—Yes; I would be afraid of the mob, of course.

4382. Who were the mob?—I could not tell you.

4383. Were they a crowd of the country people?—Of course.

4384. Did you hear the priests, from the altar, talking about the election?—Yes; I did.

4385. Who?—The priest.

4386. What was his name?—Father White.

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4387. Of what parish?—The parish of Kilmacann.

4388. What did he say?—He said very little. He said that there were two candidacies going to set up for the representation of the county, and now was the time to choose between the two.

4389. Did he say anything about the Catholics who would vote for Captain Trench?—He did not say that this or that would become of them.

4390. Did he call them renegades?—No.

4391. Black sheep?—He said never a word of black sheep.

4392. Rotten branches?—No.

4393. He left it to your own free choice?—He left it to our own free choice.

4394. That was Father White?—That was Father White.

4395. What made you afraid?—Not a bit.

4396. You would not tell Captain Trench a lie, I suppose, when he said you were afraid to go?—I did not tell him a lie. I told him I would be afraid, in case I went to Tumm, to vote.

4397. What would make you afraid?—I told you that already.

4398. Did you not understand that the priests were all against him?—I knew they were not for him.

4399. Did not you know that they were not for him?—I knew they were not for him.

4400. Were you not afraid of the mob?—I said, if I did go, I would be afraid to go.

4401. Were you afraid of the state of the country?—I was not afraid of the country, except getting to a strange place, where there would be a mob, and I might not know a friend from an enemy.

4402. And they might wallop you?—Probably they might.

4403. Did you vote at all?—I did.

4404. For whom did you vote?—For Captain Nolan.

4405. Who went with you?—Eight or nine voters. Mr. Joyce went then, and Father White went then. He was on the car with Mr. Joyce.

4406. Did Father White take down in the chapel a list of the voters?—He did not.

4407. Did he take down your name?—He did not.

4408. Did Mr. Joyce take them down?—No, he did not; but he was writing down the names or the places after divine service.

4409. Who was?—Mr. Joyce. Father White was not there that Sunday at all.

4410. Was the curate there?—The parish priest was there, Father Haly.

4411. On your oath, would you have voted for Captain Nolan, only that the priests were for him?—On my oath, I would.

4412. Did you wish to vote for him?—I did wish to vote for him.

4413. Why did you not tell Captain Trench that?—Why should I go and tell him that without being asked the question?

4414. Why did you authorise a letter to be written to your landlord?—The other men came to me, and said to me—

4415. On your oath, was it not read to you before it was sent?—On my oath, it was not.

4416. Where was it written?—I could not tell you where it was written; it was not written in my house. I did not sign it, and it was not read to me.

4417. Do you know the substance of it?—No.

"Whatever

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"Whatever any of ye do, I will agree to," said I. I saw no more of it.

4418. Did any people come to your house by night?—A man came to me in the evening, but not by night, and said that it would be well to do it.

4419. Did any mob or strangers ever come to your house to give annoyance?—Not one.

4420. Will you swear that?—I will.

4421. Any non-electors?—No non-electors.

4422. Did any man threaten you?—Not one.

4423. Did any man ever tell you that you must be prepared at the first opportunity to meet your doom?—No.

4424. Do you swear that?—I do.

4425. Did any people ever come to your house talking about the election?—Yes; this man that I told you of a while ago.

4426. But no crowd of people?—No, not one.

4427. Did you hear Father White speak more than once from the altar about the election?—He spoke on two or three occasions, but I kept no recollection of it. It was not his talk that I heeded, but my prayers. It is for that purpose that we generally go to chapel.

4428. And not for politics?—No, indeed; I am a very bad politician.

4429. How many Sundays was he talking politics?—I could not exactly say. One or two, I believe.

4430. Did he ever say anything that would happen to any Catholic that would vote for Captain Trench?—No.

4431. He is a mild gentleman.—So he is, true for you.

4432. Has he a curate?—He is the curate himself.

4433. Who is the parish priest?—Father Haly.

4434. Did you ever hear him say anything about it?—Not a word, except the Sunday before the election.

4435. Did you ever see any crowd going about the country before the election?—No; indeed I have enough to do to attend to my own business. I am here for the last eight or ten days.

4436. Were you in terror?—Not one bit, thank God!

4437. But you were afraid?—Not a bit.

4438. Did you not tell Captain Trench that you would be afraid?—Yes, in case I went to Tuum.

4439. And you would have been afraid to go to vote for him?—I would not wish to go, indeed.

4440. Would you not be afraid to go to vote for him?—I would not be justified to go according to my conscience.

4441. Was that the sort of fear that you meant, or the fear of a mob?—Just so; the fear of my fate.

4442. Here or hereafter?—Yes.

4443. In time or eternity, which?—I do not understand you.

4444. Was it your fate in the next world or in this?—My belief and my religion.

4445. Fear of your fate in the next world?—Yes.

4446. Did you not say that you would not be afraid of a mob?—Indeed, I said no such thing. I said that I would be afraid to go there into Tuum.

4447. Do you know that you swore upon that table, in his Lordship's bearing, and the bearing

of everybody, that what you meant was that you would be afraid of the mob? (*The Shortland Writer read some of the preceding questions and answers.*)

4448. Were you afraid of the mob?—Not at the time; there was no mob.

4449. Did you tell a lie to Captain Trench?—I did not.

4450. Was it a feeling of fear which you entertained then?—No.

4451. You told him you would be afraid of the mob?—Yes, in case I went to Tuum.

4452. Would you be afraid of the mob in case you went to Tuum?—To be sure I would, as likely as not, but not for voting for Captain Trench. In a strange place which I am not acquainted with, I might be beat by a mob 14 or 15 miles from home.

4453. The people do not know you in Tuum?—No, indeed.

4454. What sort of violence did you expect?—It is generally the case in such places.

4455. That is what you are afraid of?—Very likely.

4456. Afraid of being shot down?—Stoned.

4457. Were you not afraid of a general attack, and that you might be struck amongst the rest?—Yes, very likely.

4458. Was not that what you meant?—Yes, certainly.

4459. Did you get a drink when you came home after voting?—I did, at my own expense. I took it in Tuum, at my own expense.

4460. Where did you meet Father White on that morning when you went to vote?—I met him beyond Mount Hollow, I believe.

4461. Did you meet him by appointment?—No—yes; he appointed—

4462. Which is it, yes or no?—We met him by appointment.

4463. Did you not say no?—I did not say no.

4464. When did he appoint to meet you?—He made the appointment on Monday evening.

4465. Did he go round to your houses?—He came round that way, saying that he would have a car, and for no man to stop at home, but every man was to come and vote for whom he liked; and we took down one of Captain Trench's tenants along with us, and he was in the car with the priest and Mr. Joyce; and Mr. Joyce offered to carry any two tenants who wished to vote for Captain Trench, and said that it would be a shame for any man to stay at home without voting for either party.

4466. What is the name of Captain Trench's tenant who was on the car with you?—Joe Kelly; he was in his own car, and his car was next to Father White's and Mr. Joyce's.

4467. Did Kelly vote at all?—I could not exactly say. I could not know what I do not know.

4468. You did not see him voting?—No, I did not, indeed.

4469. Did he go to guard you?—No; he came along with us.

4470. Was not it for your safety that he went with you?—More than probably for his own safety. He just happened to come on the way as we were going down.

4471. He went with the Nolans for his safety?—There was not the slightest danger of him.

4472. Is not this it, that if you were going to vote for Captain Trench you would be afraid of violence, but that you would not be afraid at all

if you were going to vote for Captain Nolan?—Yes; in case I got into the mob at Tuam.

4473. You would be afraid if you were to go and vote for Captain Trench, but there would be no fear if you were going to vote for Captain Nolan?—Certainly I would have more fear of going to vote for Captain Trench than of going to vote for Captain Nolan.

4474. Is it not the truth that you would have been afraid to go and vote for Captain Trench, but not for Captain Nolan?—I would be more frightened if I were going to vote for Captain Trench than if I were going to vote for Captain Nolan, because we had a stronger mob with us, we had 9 or 10 with us.

4475. You call yourself a mob; are you a mob?—Indeed I am not.

4476. Had you a crowd of non-electors with you?—We had not.

4477. Did they meet you near the town?—We went up to Mr. Nolan's polling room or tally room, or whatever you call it.

4478. Was there a great mob there?—No; there were a few men there whom we met.

4479. With little switches in their hands?—Some of them, I believe, had no switches at all.

4480. I suppose Tuam was very quiet the day of the polling?—Well, it was rather quiet.

4481. Was there anything of a disturbance?—No, indeed, I did not find any disturbance.

4482. Did you see any stones thrown?—I did not.

4483. Did you see any windows smashed?—I did not. I saw some windows were smashed as we went into the town. I paid very little attention.

4484. Was there one pane of glass smashed?—I could not say whether there was one pane or five panes; there might be ten or twenty.

4485. Did the house look as if it had had a good pelting?—Well, it did.

4486. Do you call the strong mob that you had with you to protect you, the nine or ten voters?—I did not want any protection. I said there were a number of them together.

4487. Is that the nine or ten who were on the car? Is that what you call a good mob?—Well, it would make a mob, for that matter—any number of persons.

4488. If you had never promised Captain Blakeney, or his agent, what did you want to go over and talk to him about?—Just to explain that we did not wish to vote.

4489. Did he not ask you?—Yes.

4490. And you gave him his answer?—He asked me was I afraid, and I told him that I was afraid of no one in this world but God.

4491. What did you go to him for, then?—Just to satisfy our own minds.

4492. It was you that advised them to go over and explain it to him?—Yes.

4493. What did you want them to explain?—Well, they came to me to get this letter written to Captain Blakeney; I said it would be much better for us to go over in a body, and explain our intentions to Captain Blakeney.

4494. Did not Curley tell you he was in terror of his life?—He never did.

4495. Or that his house might be burnt over his head?—He never said one word about the matter, but he said that it was right that he should go.

4496. Did he tell you that there were fellows coming to his house, and telling him, that if he 241—I.

voted for Captain Trench it would be the worse for him?—No.

4497. Did any of those men whom you have mentioned say so to you?—No; indeed they all said that it was fit that we should go, for all the other parties would vote on the other side, and it would look badly for us to stop at home.

4498. These are all your neighbours?—Yes.

4499. Did you say amongst yourselves, you and the other voters, that if it was for Captain Blakeney himself, you go at the risk of your lives, but that you would not do it for anybody else?—Yes, we said that.

4500. You would not risk your lives for anybody else?—No. Certainly not.

Cross-examined by Mr. Meenanagh.

4501. I shall ask you a few questions on matters of fact. You told my learned friend that Joseph Kelly, a friend of Captain Trench's, came in with you?—A voter belonging to Captain Trench?

4502. Yes?—Yes.

4503. Does he live at a place called Bellewstown?—No; at Ballymaguoyd, about 3½ miles from where I live.

4504. Do you know where Bellewstown is?—I do not know that.

4505. Do you know Bellewstown Grove, the name of his house?—I do, but that has nothing to do with it; that belongs to Mr. Joe Kelly, of Newtown.

4506. But you know that Mr. Kelly was a voter of Captain Trench's?—Yes, I was told he was.

4507. Are you quite sure that on the very day when the Rev. Mr. White was telling you to meet, or to go in, and not to stay at home, he said that every man was to go and vote as he liked?—Yes.

4508. Did not Captain Blakeney order you to stay at home?—Yes, he said that it was his wish that we should all stop at home.

4509. When you refused to vote for him?—Yes, he said it was his wish that we should all stop at home. He said: "You'll be sure now to stop at home and attend to your business;" and each of us said that we would. "So will I stop at home too," said he.

4510. Had you known Captain Trench before he called upon you?—Never. At the fair at Caltra I met him.

4511. Was it there you happened to meet him?—Yes.

4512. Was it long before that?—I think it was in September, at the fair, that I met him; on the 1st September, I think; September or October.

4513. Was it then that the conversation which you spoke of took place, when he said that he had all the mobs at his back?—It was not at that time.

4514. What did occur at the fair of Caltra?—He came up to me, and he shook hands with me, and we chatted about one thing and another.

4515. Are you a farmer?—I am.

4516. How many acres of land have you?—I cannot exactly say; 26 or 27, or something near about that, more or less.

4517. Do you hold by lease?—Part of it by lease.

Q 3

4518. And

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J.O'Dowd. 4518. And you are tenant from year to year of the other part, I suppose?—Yes.

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4520. Where?—At Castle Blakeney.

4521. Who introduced Captain Trench to you at the fair?—No one at all, but he was told that I was an O'Dowd by no one that I knew. I heard afterwards that it was a man of the name of Ryder, but I was not sure.

4522. You did not promise him that day?—No; nor he did not introduce it to me either.

4523. How soon after that was it that Captain Blakeney, your landlord, came to converse you?—He wrote a bit of a note, and sent it to me by his agent.

4524. Have you that note?—No; I have not indeed; I looked for it on Saturday when I went home, but I could not find it. But John Melody has it here, he says, and he is now in court.

John Melody called in.

Mr. Serjeant Armstrong.] Have you this note?

John Melody produced the note, and it was handed to *Mr. Macdonogh*.

4525. *Mr. Macdonogh* (to the *Witness*).] Would you kindly read that, and say whether it is the same (handing the note to the *Witness*)?—I could not read it.

4526. Was it the same kind of letter?—Something similar to that.

4527. Was the time something the same, the 9th of January 1872?—Yes, when we got the note, but we did not meet at that time.

4528. That was January last, we will take it?—Yes.

4529. Long before that note was written, and in last year, were not the people in favour of Captain Nolan?—Well, it would be their wishes to vote for him, unless we could displace the Captain.

4530. Were not the voters in favour of Captain Nolan?—They were; I heard them say it because they are in the habit of coming into my shop.

4531. And that was your own view also?—Yes; it would be my wish, and it was my wish.

4532. If you were not prevented?—Yes, no doubt.

4533. After you got a note similar to that note in January 1872, did you see the Captain?—I did, on the 3rd of February.

4534. Did he come to your shop?—No; but he appointed a day to meet us at Captain Butler's, in Blantyre.

4535. Is Captain Butler his agent?—No, he is a tenant of his; he keeps the post office; it is about a mile from my place.

4536. Did you go there?—Yes, the whole of us went there.

4537. On that occasion did you express your unwillingness to vote for Captain Trench?—Yes.

4538. Did the other men?—Yes.

4539. What did Captain Blakeney say?—He said, "Here is a Trench's man; come in," said he to one man; "and there is another," said he to the other man, Curley; and he asked Curley would he vote for Captain Trench? "I will not," said he. "Are you afraid?" said he. "No, I am not one bit afraid," said he. He came over

to me, and said, "Well, O'Dowd, what are you about doing? Are you going to vote?" "No," said I. "Why?" said he. "Because it would be contrary to my conscience, and you could not look upon me as an honest man if I did so; it would be against my faith, and my faith and my religion." He said, "I expect you will all stay at home." "Yes, we will," said we, "and we will be very glad to get the offer." "Very well; and so will I too," says he. He said that on two occasions.

4540. On the same day or another day?—The same day.

4541. Did anything else occur?—He asked me if I was afraid, and I said I was not afraid of anyone, only God, and then we heard afterwards that he went, and a few other inhabitants went, and we said it would look very badly on our party if we did not go and assist our party; and we accordingly did go and voted for Captain Nolan.

4542. Do you know that Captain Blakeney voted for Captain Trench?—I was told so.

4543. Did you hear that he was about to do it?—Yes.

4544. I think you told me that it was on the 3rd of February that the meeting was at Captain Butler's?—Yes, the day after the fair; the fair was on the 2nd, and we went on the 3rd. It was on a Saturday, I think.

4545. Did you hear that he had been at the nomination?—Yes, I saw him coming out of it, outside the gate; a little way this side of the gate in Team, as I was going in.

4546. That was the polling day, but I am speaking of the nomination day?—I do not know anything at all about the nomination day.

4547. But had you heard that Captain Blakeney had gone in at all at the nomination?—I did not hear anything about that at all, and I tell you the truth. It was giving me very little trouble.

4548. Did you vote according to your conscience?—I did.

4549. Are you a Liberal in politics, as well as a Roman Catholic?—I am.

4550. Were you in any respect coerced by the priest to give that vote?—No, indeed. I said I did not like to go. "Come, at all events," said he; "it is a shame for anyone to step at home, and vote for whom you will."

4551. Do you remember Kelly, one of Captain Trench's men, who was present on that occasion?—I do not know; there was a gentleman in the parlour with Captain Blakeney at that time. I do not know who he was.

4552. Did I not understand you to say, in answer to my learned friend, that you would vote for Captain Nolan, even though the priests were against him?—I would; my belief was that.

4553. Your belief was that his principles were such as you approved?—Yes.

4554. You say that Team is rather a strange place to you?—Yes, it is; I seldom or never go into it.

4555. How many miles is it?—Between 14 and 15 miles, I heard him say.

4556. You said that if you voted you would be afraid to go amongst the mob?—I did. I would.

4557. That is to say, that strangers might be there?—Yes.

4558. That it would be difficult to distinguish between

between friends and foes in that place?—Decidedly so.

4569. When you were polling, did you hear them polling for Captain Trench?—I did not, indeed.

4570. The great majority of the people were for Captain Nolan, I suppose?—They were, and as soon as I recorded my vote I walked out and came home.

Re-examined by Mr. Sergeant Armstrong.

4561. Who was it told you to go, at all events; that it was a shame for any man to stay at home?—The priest, Father White.

4562. Was that the morning before the polling?—The night before the polling; and Father Healy, the parish priest, the Sunday before, told every man to go and vote for whom he liked; that to stay away would be wrong, but to go and vote. He did not coerce any man.

4563. I will read you this letter: "County Galway Election, 9th January 1872.—It is my intention to vote for Captain Trench at the ensuing election, as the most suitable representative in the interests of both landlords and tenants, and I will take it as a compliment and favour your recording your vote for him. When the polling day is fixed, I hope to make an appointment with the tenants who agree to support Captain Trench, said to accompany them to Tuen.—Yours faithfully, John Blakeney."—That is all right.

After an adjournment,

Mr. JOHN MELLODY, sworn; Examined by Mr. Sergeant Armstrong.

4574. ARE you a tenant of Captain Blakeney?—Yes.

4575. You received a letter which we had here just now?—Yes.

4576. Do you recollect the letter which was afterwards sent to Captain Blakeney, signed by some of the tenants, and yourself, among them?—I do.

4577. Yourself among them; did you sign it?—Yes.

4578. Will you look at the letter, and read it to yourself first; had you seen Captain Blakeney, to speak to him, between receiving his letter, asking you to vote for Captain Trench, and your writing your letter to him; did you see him in the meantime?—No, I did not see him in the meantime, to the best of my recollection, unless I saw him passing.

4579. Did you see him to speak to him?—No.

4580. Were you at Mass in the meantime?—I was.

4581. Mr. MacDermot.] Where?—At Caltra.

4582. Mr. Sergeant Armstrong.] Who was the priest there?—Father Healy and Father White.

4583. Were you at Mass after you received Captain Blakeney's letter?—I was.

4584. Did you let Father Healy or Father White know that you had received that letter?—No.

4585. Did you mention it to some people?—Yes, to some of my neighbours.

4586. Do you recollect anything which Father White said about the election?—I do not.

4587. Were you there?—Yes.

4588. Did he say anything at all?—He was speaking about the election, but I did not take

4564. That is all the pressure which he put upon you?—It is.

4565. Mr. Justice Keogh.] You said, if I rightly understood you, that Captain Blakeney said he would stay at home, if you all stayed at home?—Yes, on two occasions.

4566. Did Captain Blakeney go to the poll with you?—Not with me; but I met him in Tuen, about 100 yards on the side of the gate where we went to record our votes. I heard afterwards that he voted about half an hour before I went in.

4567. Did he vote before or after you voted?—I was told before we reached the town.

4568. Mr. Sergeant Armstrong.] Was it not perfectly well known in the country and over the estate that you were going against your landlord: was it not quite notorious?—It was not.

4569. Did you not announce it?—No.

4570. Was it not perfectly well known that you were going to vote for Captain Nolan?—It was not well known.

4571. Was it not known?—It was known. It was not known until the Monday.

4572. It was well known then?—Of course.

4573. Did you think that Captain Blakeney was to stay away when he found you were all going against him?

Mr. MacDonogh.] Did you think you were to stay away when he was going against you?

[The Witness withdrew.

my notice of what he said, so far as to keep it in memory. I could not say what he said.

4589. Did he refer to Captain Nolan, or did he refer to Captain Trench?—He said that he would sooner we would vote for Captain Nolan.

4590. Did he speak in English?—He did.

4591. Did he take down any names?—He did the Sunday before Father Healy did; not Father Healy, but some one who was along with him.

4592. Who is he?—I do not know his name.

4593. Try and recollect; had you known him before?—I knew him by eyesight, but I do not know his name.

4594. Did you ever see him before that day?—I did.

4595. Was his name Donnelly?—I do not think it was.

4596. Why do not you think that it was?—I do not know. I was not told his name, and I did not inquire.

4597. Had he a list?—He had a list taken down of whatever names who were to go.

4598. Was it from the altar that Father White spoke, and did you hear Father White saying anything?—I heard him talking about the election.

4599. What did he say?—I could not remember one word.

4600. Only that he prayed them to go for Captain Nolan instead of going for Captain Trench; did he say anything against the Trenches?—He said that he thought that Captain Nolan was the better man for the country.

4601. Did he praise the Trenches?—No indeed.

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4602. Did

Mr. J. Affody.

Mr. J. Aislinn. 4602. Did he abuse the Trenches?—Not that I recollect.
4603. Did he say anything about what would happen to any Catholics who would vote for a Trench?—No.

8 April 1872. 4604. Did he say anything cross at all against Captain Trench?—Not a word that I could hear.

4605. Were you near the altar?—Near enough to hear him.

4606. Did he speak on more Sundays than one?—Yes.

4607. Had not you seen Captain Blakeney after you had received his letter, and before you wrote this letter to him?—No.

4608. Were you in terror of your life?—No indeed, I was not in terror of my life.

4609. Do you not know that you signed a letter stating that you were?

Mr. MacDermot objected to the question.

Mr. Sergeant Armstrong submitted that this related to the subject-matter.

Mr. Justice Keogh stated that this inquiry was quite a different inquiry from a suit between parties, and that evidence could be given wholly distinct from matters between the sitting Member and the candidate.

4610. Mr. Sergeant Armstrong (to the Witness).] Is the document signed by yourself?—Yes.

Mr. Justice Keogh stated that he was bound to hear evidence as to the state of the constituency.

Mr. Sergeant Armstrong stated that he must refer to the former statements of the Witness under his own hand touching his mental condition, contradicting what he was now stating.

Mr. Macdonagh was heard against the question being put.

Mr. Justice Keogh stated that, in his opinion, the Witness could be examined from the document, and that the present proceedings essentially differed from *Nisi Prius* proceedings. He further stated that, in the Dublin case, documents had been over and over again put into the hands of witnesses with the view of searching their consciences, and confronting them with their own previous acts in writing. He stated that he was of opinion that the question could be put.

4611. Mr. Sergeant Armstrong (to the Witness).] When did you see Father White here last?—I have seen him to-day.

4612. Is he in town?—Yes.

4613. Have you seen him in court to-day?—Yes.

4614. Did you talk to him to-day?—I saluted him.

4615. Did you talk to him?—I did speak to him.

4616. And he to you?—Yes.

4617. When did you see Father Healy last?—It is a long time since I saw Father Healy.

4618. Did you tell Father White that you were going to be a witness?—He knew it, I am sure.

4619. Why are you sure that he knew it?—Because I have seen him here every day during the last week.

4620. Did you show him the letter which Captain Blakeney wrote you?—Never.

4621. Did you read it to him?—Never.

4622. You only told the neighbours about it?—I told some of them.

4623. Were you in terror of your life?—No, indeed.

4624. That is to say, if you complied with Captain Blakeney's request in voting for Captain Trench?—I was not, indeed.

4625. Were you in terror of the house being burned over your head if you voted for Captain Trench?—No.

4626. Were the non-electors using any threats against you, or against any other voter, to your knowledge, if you voted for Captain Trench?—They never used any threats to me.

4627. To your knowledge, were you told that they were non-electors?—No.

4628. Did James O'Dowd tell you that?—No.

4629. Pat Carley?—No.

4630. Pat Noonan?—No.

4631. Andrew Noonan?—No.

4632. James Conboy?—No.

4633. Did any voter tell you that?—No.

4634. Did any non-electors come to your house?—Many a non-electors came to my house.

4635. Did they come to you to threaten you?—Not one.

4636. By day or by night?—Not one.

4637. Did any of the non-electors tell you that if you voted for Captain Trench you might be prepared, at the first opportunity, to meet your doom?—No.

4638. And if any man said that, would it be false?—It would be false.

4639. I will read this letter, "Captain John Blakeney: Sir,—We, the electors of Castle Blakeney, &c., beg respectfully to inform you that we are in terror of our lives being taken and our houses burned over our heads if we comply with your request in voting for Captain Trench;" is that false as far as you are concerned?—Yes.

4640. "As the non-electors are using every kind of threats and even coming into our houses, telling us that if we vote for Captain Trench we may be prepared at the first opportunity to meet our doom;" was that all false?—Yes.

4641. No voter ever told you that?—No.

4642. Why did you get up that concoction of falsehood?—Because we wished to get up the best excuse that we could.

4643. And do you not want to pass the best excuse that you can for your evidence to-day?—No, I do not want to pass the best excuse that I can, but the truth.

4644. After Captain Blakeney got that letter from you, did he speak to you about your vote?—He did.

4645. Did he ask you to vote for his friend, or words to that effect?—He asked me to vote for Captain Trench, and I told him that I would not.

4646. Was that the same day that O'Dowd was there?—Yes.

4647. What did the Captain tell you then?—He said that if we voted according to our conscience he would not blame us; and that he wanted us to stop at home.

4648. Did you promise to stop at home?—I did.

4649. Were you at chapel after your promise to stop at home?—I was.

4650. Did

4650. Did you hear Father White speak from the altar?—No, it was Father Heely.

4651. Did he speak about the election?—He said that he wished to meet the voters after mass in the sacristy.

4652. Did Captain Trench ask you for your vote?—Yes.

4653. What did you say?—I said that I could not give him a decided answer.

4654. Did you tell him that you would vote for him if Captain Blakeney supported you?—I did not; I said that I did not know in what way the master was going.

4655. That was saying in what way you would go?—It was not.

4656. But when he asked you for your vote you did not know in what way the Captain was going?—I did not.

4657. But you know afterwards when you wrote the letter?—I did.

4658. Did the Captain say to you, "If that is so;" or words to that effect?—Which Captain.

4659. Captain Trench?—He said that Captain Blakeney would support him.

4660. Did you say that it was all right?—It was not in my conscience to do it; it was not in my mind to give my vote at the time.

4661. Did you give him to understand that you would give it to him?—I do not know what he understood by it; it was not in my feeling at any time.

4662. Did you and O'Dowd, and all of you, put your heads together to write this packet of lies; did you all agree together to write these falsehoods for the purpose of imposing upon Captain Blakeney and getting yourselves excused?—We did.

4663. And then you went and voted for Captain Nolan?—We did.

4664. And the day before you voted, I suppose it was pretty well known how you would vote?—It was not until a late hour that evening.

4665. Was that when your names were taken down by the priests?—No, that was the day before that.

4666. When were your names taken down in the chapel?—On the Sunday in the sacristy.

4667. The priest said that from the altar?—Yes.

4668. And then you gave your names?—Yes, he called upon us for our names, and in the case of anyone who made a pause, he said, "Go and stop at home."

4669. Did Father Heely say that?—Yes.

4670. In whose handwriting is the body of this letter?—The shopkeeper's.

4671. Who is the shopkeeper?—Mr. O'Dowd.

4672. Was it in O'Dowd's shop that it was written?—No.

4673. Where was it written?—In the town of Castle Blakeney.

4674. And O'Dowd wrote it?—We asked him to write it, and he wrote it for us.

4675. And I suppose that you thought it a very clever thing to get yourselves excused?—Yes.

4676. Were you ever afraid of any mob?—Never.

4677. Did O'Dowd ever tell you that he was afraid?—Never.

4678. Or any of them?—Nor any of them.

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4679. What put it into your head to write this?—We made the best excuse that we could.

4680. Is that because you heard that it had happened to other people?—No, indeed.

4681. Was it a pure invention?—It was our own invention.

4682. Are you not proud of it; you say "We are in terror of our lives being taken;" did you ever hear that any man was in terror?—We did not.

4683. Or that you were in terror of your houses being burnt?—No.

4684. Everything was very quiet in your country?—Very quiet.

4685. There was no disturbance at all?—No.

4686. There was no shouting or hooting?—No.

4687. Did you ever vote at an election before?—Yes.

4688. Where?—At Tnam.

4689. Everything was very quiet?—I saw no disturbance at all.

4690. Did you see any disturbance there?—No; I got no disturbance.

4691. Did you hear that any man in the whole country was afraid?—I never heard of any disturbance.

4692. Who invented this document?—We all put it forward.

4693. Was it yourself?—I partly did it.

4694. Was it you who thought that you were in terror of your life?—I cannot remember that. Each and every one was as gaily as another.

4695. You thought that there was good to come of it; was not it to save you from the landlord?—Yes.

4696. And you took it upon yourselves to write as many lies as you could?—Yes.

4697. Were you afraid?—Not a bit.

4698. Were you afraid of anybody at all?—No.

4699. Were you afraid of him?—Not a bit.

4700. Had he done anything to you?—No.

4701. You were not afraid of the priest?—No, not a bit.

4702. Nor of any man or woman in your life?—No.

4703. Nor of the serpent?—No.

4704. You were not afraid of anybody?—No, except the Great God.

4705. Did you then sit down to write lies?—No.

4706. Did you think it wrong?—It might be wrong, but we could not help it at the time.

4707. Were you afraid of anybody?—No.

4708. Were you afraid of the landlord?—No.

4709. Did you invent about your houses being burnt over your heads?—I cannot say.

4710. Who thought of the non-electors using every threat and coming into your houses?—I cannot say who thought of it.

4711. You can read and write?—I can.

4712. "If it was yourself, or any member of your family required our interest, we would willingly give it at the risk of our lives;" who thought of that?—I cannot say.

4713. Were you talking to Father White yesterday about this trial?—No.

4714. Was he talking to you ever since you

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got

Mr.
J. McVady.

8 April 1879.

Mr.
J. Melody.
—
8 April 1872.

got your subpoena to come here?—He was talking to me during the week.

4715. About the election?—No, not about the election.

4716. What did he talk about?—Regretting that I was away so long in Galway.

4717. Mr. Sergeant Armstrong.] Let that letter be marked?—

Mr. MacDermot.] My Lord, I do not think that that letter should be marked; it is the letter stating threats.

Mr. Justice Keogh.] I think that that is so cross-examined by Mr. MacDermot.

4718. You voted for Captain Nolan?—I did.

4719. Did you vote according to your conscience?—I did.

4720. Were you induced by the clergyman, or anybody else to vote?—I was not solicited by anybody to vote for Nolan.

4721. Did you vote according to your own free will?—Yes, and I would do it again.

4722. Would you do it again if the priest did not speak to you about it?—Yes, if neither priest nor landlord spoke to me.

4723. You say that you prepared that docu-

ment as a reason for not voting according to your landlord's intention?—Yes.

4724. Was it for the purpose of protecting you from any displeasure of your landlord?—Not that I know of, but that we thought it fit to give him some reason.

4725. Were there any mobs frequenting your house, or any other house in the neighbourhood?—No, indeed.

4726. When you had the first interview with Captain Blakeney, he said that he would ask you to vote against your conscience for Captain Trench, but that you were to stay at home?—Yes.

4727. Did he say whether he would stop at home?—He did; he said that he would stop at home himself too.

4728. And afterwards you made up your mind to vote?—I could not stop at home and see the election going on without voting.

4729. Did Captain Nolan canvass you?—No, he never spoke a word to me; I had a letter from him.

4730. Asking your vote?—Yes.

[The Witness withdrew.]

Captain JOHN BLAKENEY, sworn; Examined by Mr. Murphy.

Captain
J. Blakeney.

4731. Do you recollect having written to your servants a letter which was produced here?—Yes.

4732. Stating that you intended to vote for Captain Trench, and that you would be obliged to them if they would vote for Captain Trench?—Yes.

4733. Before writing that letter, had you any interview with them with respect to the election?—Not before writing the letter.

4734. Did you get any answer to the letter which you had written?—I got a letter signed by four or five or six men of the voters.

4735. How many days after you had sent your letter to them did you get this letter (handing the same to the Witness)?—This is the letter, but I could not tell you how many days afterwards.

4736. Was it some days?—It was some days; I was surprised at not hearing from them sooner.

4737. You had no personal interview with them in the meantime, in the interval between the dispatch of your own letter and the receipt of that?—No, I think that it was after the receipt of this that I appointed a day to meet them.

4738. Did you then meet them after the receipt of that?—I did, the Saturday before the polling day.

4739. Did all the men who signed that letter meet you?—I cannot say; I did not know all of them.

4740. Did some of them that signed it?—Curley did, and Melody did, and O'Dowd did; I did not know them all personally.

4741. What occurred between you and the voters on the occasion of that interview?—They met me at the house of a tenant of mine at Glanvra; and my agent was Mr. Thane, who was there, and I said to him, "Had we not better have these men, and see what they have to say." He said "Yes, sir, I will bring them in;" and he brought them all in, and they came in, and I

think that O'Dowd was about one of the first men that I spoke to; I am not sure; they nearly all came in together. I said to one, "Surely you will be a Trench man," and he said "No." However, it ended by their all saying that they would not vote for Captain Trench.

4742. Did they assign any reason?—I then said to them, "Why? Are you afraid?" They said, "No, Sir, we are not afraid." I said, "Not of anything." Their answer was, "Not of anything." I then said, "Why not vote?" They said, "Because it is against our conscience to vote for Captain Trench." My answer was, "Then that is no end of it; I never interfered with the religious conscience of any man, and never will, but the least compliment which you can pay me is to stay away, and not to vote for Captain Nolan;" and they all agreed to do so. Every man in the room may not have said so, but it was said by the lot, and they all agreed with each other upon it.

4743. Do you recollect their saying anything which they would do to yourself?—They may have said so; they said so in this document; they may have said it again.

4744. Was this the Saturday previous to the election?—It was the Saturday previous to the election; it was the nomination day in Galway.

4745. Did you hear any more of them?—I heard nothing of the men afterwards.

4746. Was there anything said as to your voting or not voting?—Nothing; nothing was said in the shape of a contract with me.

4747. What was said?—A friend of mine, Mr. Kirwan, was there. When these men all refused, I turned round and said to Mr. Kirwan, "I do not think I will go myself." No contract was ever made.

4748. There was no intimation of your intention to vote between that and the day of the election?—Nothing whatever, but a letter appeared in the "Tuam News" that I had broken my contract.

Cross-examined by Mr. Macdonogh.

4749. There was no contract under seal upon the subject of the election?—No contract whatever.

4750. And there was no contract that you should stay at home?—No contract, either verbal or otherwise.

4751. When you told these men to stay at home, were not those men in the room when you turned to Mr. Kirwan, and said, "I do not think that I will go myself"?—Those men were in the room.

4752. And the room was not a large one?—It was not, it was a small room.

4753. And no doubt they heard it?—They may have heard it; it was not a thing which it was meant for them to hear.

4754. And whenever you say a thing, you mean what you say?—When I say a thing, it is as binding as my oath.

4755. So I should have supposed, and you thought that you would not go to the election?—I did not think so, but I said that.

4756. Why did you say that?—I said it merely for this casual observation; it came into my head that if my men would not go with me, it was useless for me to go.

4757. And you gave utterance to the thought in your mind?—I did.

4758. You have heard these two men here; did they utter one word about a contract?—Not a word; they said that I had said that I would not go, which was not the case; I said to Mr. Kirwan, "I do not think that I shall go." I left it open to myself; it was no part of a contract.

4759. I admit that it was not a contract!—I tell you what was the fact.

4760. You said, "I do not think that I will go myself"?—Yes, and for the best reason in the world, namely, that I thought that I should get a beating, and that one vote was not of any use, and so very likely I should have done. I walked seven miles along the railroad on that day to prevent my going into the town.

4761. You went in and voted for Captain Trench?—I did.

4762. At what hour of the day did you go in?—I went in by the half-past ten o'clock train from Ballyglunuen.

4763. At what time did you return?—I was about half an hour before I got in to give my vote, and I walked home along the railway from Ballyglunuen.

4764. How long did you stay in the town?—I only went to the polling place at the court house. I could not call it the town.

4765. And you recorded your vote?—I did.

4766. I suppose that you saw several of your friends whom you knew, who recorded their votes?—I do not recollect.

4767. Who were they?—Mr. Blake was one, and Mr. Trench and my agent was another, and Mr. Cruise and Mr. Leonard, tenants of mine, were two others.

4768. And you all voted for Captain Trench?—We did.

4769. Did you wait to see these other men vote?—After I gave my own vote I waited for nothing, but walked straight out of the polling booth.

4770. Were you at the Longhena meeting of the gentry?—I was.

4771. When did you promise Captain Trench?—I cannot bring it to a date, but as well as I remember it was early in the month of July. I was in a fishing lodge in Connemara, and he wrote to me there, and I wrote from it.

4772. When did you canvass your tenants for him?—The first step which I took in it was the letter which has been read, a circular letter which I sent to them all. I told my agents to ask them before and to tell them what I wished.

4773. Were you at the preliminary meeting of the 5th of December?—I was not.

4774. You got a circular to attend?—I got a circular signed by Captain Daly.

4775. That was the one in which it was intimated that Lord Clanciarde would attend?—I believe it was; it is my impression that it was.

4776. Did you see upon that day the notices which Sir Thomas Burke distributed?—I did.

4777. Were they distributed at the meeting?—They were not.

4778. Was it before or after the meeting, that you saw that notice?—I saw the notice in Lord Clanciarde's room at first.

4779. Was it before the meeting?—It was before the meeting.

4780. Was it Lord Clanciarde that produced it to you?—Most certainly not.

4781. His Lordship was in the room at the time?—His Lordship was.

4782. Who gave you the paper?—I think that Sir Thomas Burke showed them to me, and I took two of them, as far as I can remember.

4783. You probably distributed them?—I did not take so much trouble; it was not my business.

4784. But you might happen to give them to somebody else?—I did not.

4785. But you retained them?—I kept the two or three which I took.

4786. Have you canvassed for Captain Trench?—I never asked anyone to vote for Captain Trench but my own tenants.

4787. I presume that it was understood among the tenants that each of those tenants would vote for Captain Trench?—I never spoke to any one of them in my life.

4788. Are the rest of your tenants who signed that paper here?—I have not the slightest idea; they may be here, but I do not know them.

Re-examined by Mr. Murphy.

4789. On the day of your polling in Tasm, how did you get to the polling place?—I drove my carriage to the Ballyglunuen station.

4790. How did you get to the polling place?—I got up under escort.

4791. Did you go to the polling place by the highway, or were you obliged to go across fields?—I was sent up under escort across fields.

4792. On returning, how did you get home?—On returning I returned from the court house, and got on the railway line, and walked to Ballyglunuen, where my horse were.

4793. How long was it?—It looked to me as six Irish miles.

4794. Was that in consequence of what you witnessed in the town?—Not from what I witnessed, but from what I heard.

[The Witness withdrew.]

Mr. Sergeant Armstrong stated that the paper referred to was signed by six tenants, and that in the exercise of his discretion he

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had called only two, but that the other four were present, and that unless Mr. Macdonough made any observation upon their absence he would not call those four.

Mr. Macdonough stated that after what had been said he should require the attendance of the other tenants.

Mr. PATRICK NOONE, sworn; Examined by Mr. Sergeant Armstrong.

Mr.
P. Noone.

4795. ARE you a tenant of Captain Blakeney's?—Yes.

4796. Is this your name and handwriting (handing the letter to the Witness)?—Yes; I signed to it.

4797. For whom did you vote at the election?—Nolan.

4798. Did you get a letter from Captain Blakeney asking you for the compliment of your vote?—I did.

4799. Have you it about you?—No.

4800. But it was something to that effect?—Yes.

4801. Should you know if you heard it read?—I never read it.

Mr. Macdonough.] You may assume it.

4802. Mr. Sergeant Armstrong.] The first answer which you sent was this paper which James O'Dowd drew up?—Yes.

4803. To whom did you give the letter which you got from Captain Blakeney?—I could not tell.

4804. Try; did you tear it up?—I brought it to my own house.

4805. Did you light your pipe with it. Do you smoke?—I do.

4806. Did you light your pipe with it?—No.

4807. Did you tear it up?—No.

4808. Did you give it to your wife?—I did not.

4809. Did you give it to the priest?—No.

4810. Did you tell the priest where you got it?—No.

4811. When did you see it last?—I could not say.

4812. Did it frighten you?—It did not.

4813. You were not afraid of the landlord turning you out on account of your vote?—No, we were not.

4814. I suppose you do not generally tell lies; you generally tell the truth?—I always like to tell the truth.

4815. And did you tell it when you were writing to Captain Blakeney?—I did.

4816. "We, the electors of Castle Blakeney, &c., beg respectfully to inform you that we are in terror of our lives being taken, and our houses burned over our heads if we comply with your request." Were you afraid of your life, upon your oath?—No.

4817. Were you afraid of your house being burnt if you voted for Captain Trench?—No.

4818. Why did you say that?—We feared excuses.

4819. Did you write this according to your conscience?—No.

4820. What is conscience?—I do not know, I said it to save my soul.

4821. Is that what you said?—It is.

4822. Were you afraid of your house being burnt over your head?—No.

Mr. Justice Keogh stated that a hasty expression had been used by Captain Blakeney, but that it had been apologized for.

Mr. Sergeant Armstrong stated that he would call all the tenants who were in attendance.

4823. Was it your conscience that made you write that falsehood. Did you ever ask whether your conscience would make you write lies; was it your conscience that made you write that?—No.

4824. Was this opposed to conscience; would conscience make you write the truth?—It would.

4825. And what is it which would make you write a falsehood; what do you call the thing which would make you write lies; has it a name?—I hardly understand you.

4826. Did you ever hear the name of Ragar on the Hill, or Rory of the Hill?—I have.

4827. Do you know that man?—No.

4828. Would he make you write lies?—I do not know whether he does or not.

4829. What made you write this; listen to this: "As the non-electors are using every kind of threats." What is a non-electer?—A man who has no vote.

4830. "As the non-electors are using every kind of threats, and even coming into our houses, telling us that if we vote for Captain Trench we may be prepared at the first opportunity to meet our doom." Did any of them ever tell you that?—No.

4831. Did you hear that they went to other people's houses?—I did.

4832. Who were the men who told you that?—I do not know.

4833. On your oath, was not it voters that told you that?—Nobody came to my house.

4834. Who were the men who told you that; they came to your houses; did they not tell you that they came to your houses?—I do not recollect it, but I heard it during the year.

4835. From whom did you hear it?—I could not say.

4836. What man told you?—I cannot say.

4837. "If it was yourself or any member of your family required our interest, we would willingly give it at the risk of our lives." Would you, at the risk of your life, vote for Captain Blakeney, if he or any member of his family required your vote. You say that you would do it for Captain Blakeney; would you risk your life for Captain Blakeney?—We cannot understand. I have very bad English, and I cannot understand it; some of it I could not understand.

4838. It is very plain. "If it was yourself" (that is, the Captain) "or any member of your family required our interest" (that meant your votes, I suppose), "we would willingly give it at the risk of our lives." Would you risk your life for Captain Blakeney if he was a candidate; was it Blakeney; is he a good landlord?—Yes.

4839. Who then was it that invented this precious document; was it Curley who invented it?—I cannot say.

4840. Who did the writing itself?—I never saw the writing, but I signed.

4841. You no doubt read it; was not it read

to you; upon your oath?—I think that he read it to me.

4842. Did John Melody think of it all?—I could not say.

4843. Is Andrew Noone a brother of yours?—He is a cousin of mine.

4844. Did he invent it?—I cannot say.

4845. Did James Conheaney invent it?—No.

4846. Did O'Dowd invent it?—I could not say.

4847. You understand Irish well?—I do.

4848. Put this in Irish for me: "The curse of the congregation on all she puts her hand to, and all that she goes through." What is the Irish for that?—

Mr. MacDonagh objected to the question.

4849. Mr. Sergeant Armstrong.] Do you know Irish at all?—I do.

4850. Did you ever hear Father White say anything about the election?—Never.

4851. A word at all?—I do not generally go to my parish chapel.

4852. Where do you generally go to?—To Mount Bellaw.

4853. Who was the priest there?—Father McGee.

4854. Did you ever hear Father White say a word in a quiet way?—I heard him say about the election.

4855. Did he talk in English or Irish?—In English.

4856. What did he say?—I never heard him say anything about it.

4857. Was he taking down names?—I never saw him.

4858. Was he telling people to vote for Nolan. Whom did he tell them to vote for?—That it was better for them to vote for Nolan than for Trench.

4859. Were you with Captain Blakeney afterwards, when he asked you not to go to vote?—Yes.

4860. Did you hear him ask them whether they were afraid of anything?—He asked them would they vote for Captain Trench.

4861. And they said they would not?—And they said they would not.

4862. Did he ask them whether they were afraid of anything?—No.

4863. Did he ask you whether you were afraid of anything?—No.

4864. Were you afraid of anything?—No.

4865. Did he ask you to stay away, and not to vote at all?—He did not make any request to me.

4866. Do you recollect some of them saying that it would be against their consciences to vote for anybody but Nolan?—I do.

4867. Did he say that, when it came to a matter of conscience, he did not press any man's conscience, and never would; do you recollect him saying that?—He did.

4868. Were not you left to vote as you liked after that, when the Captain told you that he

never pressed a man's conscience, and never would; were not you then left to vote according to your own free will?—Not when his agents required our votes.

4869. And then you voted for Captain Nolan?—Yes.

4870. And you were not afraid of anybody?—No.

Cross-examined by Mr. MacDermat.

4871. What was the name of the agent who asked for your votes?—Mr. Thane.

4872. When did Mr. Thane ask your votes; was it after the meeting with Captain Blakeney?—It was before that.

4873. Did he ask you after that?—No.

4874. Did Mr. Thane ask your votes more than once?—We had a long conversation.

4875. With Mr. Thane?—With Mr. Thane.

4876. Did he press you for your votes?—No; he did not ask us to promise.

4877. Did he try and induce you to promise; did he argue with you?—As far as praising Captain Trench, that was all.

4878. As a matter of fact, did you vote according to your conscience when you voted for Captain Nolan?—I did.

4879. Were all the electors about you also assisting Captain Nolan?—They did.

4880. Was the whole feeling of the county in favour of Captain Nolan?—Yes.

4881. Did you know that he was a Catholic?—Yes.

4882. Did you know that Captain Trench was the son of Lord Clancarty?—Yes.

4883. Was it the priests who induced you to support Captain Nolan?—If the priests never spoke to me I should select Captain Nolan myself.

4884. At your interview with Captain Blakeney, at the time that some of you said that it was contrary to your conscience to vote for Captain Trench, did he say that he would not press your conscience?—I was out in the roadway.

4885. Did you hear anything said about your going home?—I was just turning out when I heard the words "stop at home."

4886. Did you hear him say that he should stop at home himself?—I was turning my back and going out, but I heard the words "stop at home."

4887. Was it telling the tenants to stop at home, or that he would stop at home himself?—I could not say.

4888. During the summer time, the early part of the time, did Captain Nolan ask you for your vote?—I got a letter from him.

4889. Did you ever know him before personally?—I did.

4890. When did you make up your mind to vote for Captain Nolan?—The very moment that I heard that he was coming forward.

4891. That was in the summer?—Yes; if I was left to myself.

[The Witness withdrew.]

Mr. ANDREW NOONE, sworn; Examined by Mr. Murphy.

4892. You are going to tell us the whole truth now?—Yes.

4893. You always tell the truth, I suppose?—Yes.

4894. Would you like to tell lies on any account?—No.

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4895. You would not tell them to your landlord?—I made an excuse to him in the letter which I wrote.

4896. Was it not an excuse or lie from beginning to end?—It was.

4897. It was all a lie?—Yes.

x 3

4898. There

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Mr.
A. Noone.

Mr.
A. Noone.
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4898. There was not a word of truth in it at all; not a little sprinkling in it, even; tell me, was there a bit of truth in it at all, or was it all a pack of lies?—I was not able to read that letter.

4899. But young O'Dowd read it for you, and he wrote the names of the first men that were not able to write their names, and then you put your name?—I did.

4900. You put "Andrew Noone, do. do."?—I did.

4901. Before this came to O'Dowd, had you agreed to write the letter?—I had.

4902. You had agreed what kind of letter you would write?—I had.

4903. You had agreed to write that you were afraid of your lives?—I had.

4904. Did you hear of any people going through the country?—No.

4905. Not a word of it?—No.

4906. You did not hear a word of any persons or any mobs being in that part of the country?—No.

4907. Was nothing said at all about your vote?—There was not.

4908. Did anyone come to ask you for your vote for Captain Nolan?—Yes.

4909. Who was it?—Father White.

4910. Did he come to your house?—He did.

4911. Was that after he spoke in the chapel?—No, it was before it.

4912. What did you tell him when he came to you?—I told him that I had promised my landlord.

4913. What did he say to that?—I told him that I had promised my landlord. He told me then to vote according to my conscience and to my religion.

4914. And that was for Captain Nolan?—It was.

4915. That was your conscience and your religion?—Yes.

4916. Had you ever known that before?—I did know my conscience and my religion before.

4917. But you did not know that it was to vote for Captain Nolan, until he told you?—I would vote for Captain Nolan if no priest asked me.

4918. Did not you tell the priest that you would vote for Captain Trench?—I did not.

4919. Did not you tell him that you had promised Captain Blakeney?—I did. I had made a promise to the agent.

4920. You had made a promise to the agent that you would vote with the Captain?—Yes.

4921. As you had often done it before?—I had never done it but once before.

4922. That was the only time that Father White asked you; did he not tell you that you should not keep your promise to the agent; that your conscience would not allow you; that it would not be according to your conscience and religion?—I am not sure.

4923. Did you not tell him that you had promised the agent?—I did.

4924. Did not he tell you that if you kept your promise to the agent, you would be acting contrary to your religion?—I am not sure.

4925. Did he not give you to understand that?—I do not think that he did. He told me to vote for my conscience and religion.

4926. Was it then that you changed your mind from the promise which you had made to the agent?—It was.

4927. Did he speak about it at chapel the next Sunday?—I was not at the chapel the next Sunday.

4928. What chapel were you at?—Mount Bellew.

4929. Father McGee's; was he speaking about it; do not you know that he was; did not you hear Father McGee at Mount Bellew chapel speaking about the election?—He was.

4930. Was he telling you how your conscience required you to vote there; the priest from the altar?—He was.

4931. Did he tell you that it required you to vote for Nolan; did not Father McGee tell you that your conscience required you to vote for Nolan; do not you know that he did?—I am not sure that he did.

4932. But he was talking about how your conscience required you to vote; do you mean to say, on your oath, that he was not pointing out to you how you should vote according to your conscience; you can read and write very well, and understand very well, but I ask you was not Father McGee lecturing you and the people from the altar as to how your conscience required you to vote?—(No answer.)

Mr. Justice Keogh.] We cannot remain here with this man.

Mr. Murphy.] My Lord, I will not ask him any more.

Cross-examined by Mr. MacDonagh.

4933. Do you remember the day upon which you were first applied to by the agent for your vote?—I do.

4934. About what time was it?—I cannot remember.

4935. Do you remember the Christmas before the election?—I do. I do not know whether it was before or after Christmas.

4936. What is the agent's name?—Thane.

4937. Was it to yourself that he applied, or were there other tenants present at the same time?—There was only one.

4938. That is yourself?—Yes.

4939. What did he say when he asked you?—He asked me would I vote for Trench.

4940. Did he tell you about the master?—He asked me whether I would vote for Trench, and I said that I would not. He asked me again why would not I vote for him.

4941. What did you say?—I said that my conscience and my religion would not let me vote for him, and he said, "You will lose your interest with your master if you do not give your vote to Trench."

4942. What did you understand him to mean by his saying that you would lose your interest with your master if you would not vote for Trench?—He said, "I knew right well that he will not put you out, but if you ever want anything you will not get it."

4943. What next did he say, or what did you say?—I made him a promise that I would go with Trench.

4944. I suppose that tenants there, as well as in every other part of the country, often require little favours from the landlord, do they?—They do not.

4945. Was it in consequence of what he said to

to you, that if you did not go for Trench you would lose your interest with your master, or with your landlord, that you promised to vote for Trench?—It was.

4948. And was it against your own conscientious feeling that Captain Trench was not a fitting representative for you?—Sir?

4947. Was it against your conscience that Captain Trench should be a chosen candidate for you?—Yes.

4948. You cannot say whether it was before or after Christmas?—I am not sure.

4949. The Captain's agent himself was here to-day, was he not?—I did not see him.

4950. Was not that conversation between you and the agent before the Reverend Mr. White asked you for your vote at all?—It was.

4951. At the time that you said this you had received Captain Nolan's letter long before that?—After that.

4952. Was it after that that you received the letter from Captain Nolan or before it?—After that.

4953. At the time when you said that it would be against your conscience to vote for Captain Trench, did you know that he was a Protestant gentleman?—I did.

4954. And the son of Lord Clonmarty?—Yes.

4955. Are you what is called a Liberal?—I do not know what that is.

4956. When you got the letter from Captain Blakeney, of the 9th of January, who was it that suggested to you, Melody or O'Dowd, that some answer should be given to the letter by way of an excuse?—We were altogether talking about it.

4957. Do you remember O'Dowd saying that he thought it better not to write a letter, but to go and explain the matter to the Captain himself?—I was not present at that time.

4958. Was it all written out before you knew the substance of what was written in the letter; in other words, you were not present when it was written?—No; we put our names to it.

4959. I do not see any date to the letter; about how many days after you got the letter of the 9th of January from Captain Blakeney, asking you to vote for Captain Trench, was it suggested that this apology should be written to him?—I could not tell you.

4960. And you were not present when it was being written?—No; I did not see the letter written.

4961. Was it read to you then by young O'Dowd?—It was.

4962. And this is your own handwriting, is it, "Andrew Neome" (showing the letter to the Witness)?—Yes.

4963. I will just read to you carefully the letter: "We, the electors of Castle Blakeney, &c., beg respectfully to inform you that we are in terror of your lives being taken, and our houses being burned over our heads, if we comply with your request in voting for Captain Trench;" were you in terror of your lives or of your houses being burnt over your heads?—No.

4964. You had no apprehension of the kind at all?—No.

4965. Was this a pure apology to your landlord, and intended as an excuse?—Yes.

4966. "As the non-electors are using every kind of threats, and even coming into our houses, telling us that if we vote for Captain Trench we may be prepared at the first opportunity to meet our doom;" did anything of the kind occur at all?—No.

4967. "If it was yourself or any member of your family required our interest we would willingly give it at the risk of our lives. Hoping that this will meet with your approval, we remain, sir, your true and faithful tenants;" did not you intend to soften the Captain, and to make it appear that you could not help it?—Yes.

4968. Is he a little passionate sometimes?—I have not had much conversation with him so as to know.

4969. But, however, you wanted to keep your interest with your landlord?—Yes.

4970. And yet to vote according to your conscience?—Yes.

4971. Is that the truth?—Yes.

4972. And did you vote according to your conscience?—I did.

4973. Do you remember that the agent wanted you to stay at home that day, when he asked you whether you would vote for Captain Trench; and you said that you would not; and he said that he wished you to stay at home; did you promise to stay at home?—I did.

4974. Did you hear Captain Blakeney say whether he would promise to stay at home himself or not?—He did.

4975. Was Mr. Kirwan present?—I do not know; there was some gentleman present.

4976. You did not know the gentleman?—I did not.

[The Witness withdrew.

[Adjourned to To-morrow, at Eleven o'clock.

Mrs.
A. Neome.
8 April 1874.

Eighth Day.—Tuesday, 9th April 1872.

9 April
1872.

Mr. Serjeant Armstrong.] My Lord, we wish to have two affidavits sworn.

[*The Affidavits were sworn accordingly.*]

Mr. Serjeant Armstrong.] Let me see those affidavits.

[*The Affidavits were handed to Mr. Serjeant Armstrong by the Registrar.*]

Mr. Serjeant Armstrong.] With your Lordship's permission, on behalf of the Petitioner, I wish to call your Lordship's attention to an occurrence of a character which I think requires the summary interference of the court; I am sure we shall all be of opinion, I mean on both sides, professional men here at all events, that there should be no interference so as to deter or tamper with a witness before his protection, and that he ought to be protected from violence of language in consequence of any evidence which he gave, and that it is a most ill example, and highly pernicious, particularly pending this inquiry, that this court and its authority should be outraged by unwarrantable reflections upon any gentleman who has been examined here. My Lord, I open to your Lordship now one of the affidavits which have just been sworn before you; it is the affidavit of Mr. Charles Blake, of Taun. Possibly you may remember that he was a gentleman who gave some remarkable evidence with reference to the declarations of Father Conway.

Mr. Justice Keogh.] I recollect perfectly.

Mr. Serjeant Armstrong.] My Lord, he states, "I was examined as a witness on this matter" (*reading the Affidavit*). I would ask your Lordship under the circumstances to overlook the violence of language, or intemperance of expression, in which Mr. Charles Blake may have indulged, he having been so grossly insulted, and I ask your Lordship to give the usual order that this gentleman, Mr. Roche, shall attend.

Mr. Justice Keogh.] I will make out the usual order; make out an order that this gentleman do attend at the sitting of the court. When can it be served?

Mr. Serjeant Armstrong.] To-day, my Lord; there is nothing to hinder it.

Mr. Justice Keogh.] Then let him attend before this court within 24 hours after the service of the order, and if you say that you can serve the order to-day, I will fix a time to-morrow.

Mr. Serjeant Armstrong.] We must despatch a person to do it, my Lord.

Mr. Justice Keogh.] I will say at the sitting of the court on Thursday morning.

Mr. Serjeant Armstrong.] Perhaps your Lordship will allow service upon any inmate of his house of 16 years of age, because he may not himself be visible; say any servant of his house.

Mr. Justice Keogh.] Yes; state what are the affidavits. You will have to send a copy of the affidavits, and it will be stated that upon the motion of Mr. Serjeant Armstrong he be ordered to attend here, and to answer a charge of contempt of this court, and to offer such explanation as he may be able to give, and to attend in person on Thursday morning; in fact making the same order as was made in the case of the Queen v. Kelly, in the matter of Pigott. I will make the same order, so send the copies of the affidavits, and I shall take every step which I can to protect the persons who are going to give evidence, and who have given evidence against lawless violence; of course I make no observation upon the case until it comes before me; one story is good until another is told; when it comes before me I shall know how to deal with it.

Mr. Serjeant Armstrong.] My Lord, with the view to the better despatch of business, and not to have time wasted upon any technical point of matters lying at the bottom of this case, we thought right to send a suggested consent to my learned friends on the other side, which appeared to us to be a reasonable matter and sufficient; and I should like to call your Lordship's attention to it, and to request my learned friends, in the event of their adopting the suggested consent and admission, to have the goodness to state to what extent they will make any admission; they have not made any admission, and there are some matters which appear to me to be obvious.

Mr. Justice Keogh.] That is not a matter over which I have any control.

Mr. Serjeant Armstrong.] No, my Lord, but we must call the reporters, and prove the shorthand writer's notes, and a vast deal of time would be consumed, and I introduce the matter apologetically to your Lordship; I should not like it to be said that I had not made overtures to have fair admissions made.

Mr. Justice Keogh.] You are quite right in mentioning it.

Mr.

Mr. Serjeant *Armstrong*.] Great expense is being incurred, and I would ask my learned friends whether to some extent they would not make some admissions; the tenor of the admissions is this; as regards the names of the clergymen who attended the different meetings in the county, and which were published (I refer to the printing account in the "Tuam News"), so far as regards the names of the priests, and the resolutions passed at the meetings, and the fact that there were such meetings, we thought that there was not anything startling in that. We have asked them whether they are willing to make any and what admission, upon the default of which they would be subjected to costs: we shall be very glad to co-operate with my learned friend if there be any common matter in the case, in giving a reasonable consent on our part.

Mr. Justice *Kegh*.] That having been said, Mr. Macdonogh has had the advantage of hearing it: it is a matter over which I have no control, and I do not want to travel outside my own bounds.

Mr. Serjeant *Armstrong*.] Is the Archbishop in attendance? Call the Most Reverend Dr. McHale.

Mr. Sub-Sheriff.] It was intimated to me that the Archbishop was remaining outside until he was called.

Mr. Serjeant *Armstrong*.] My Lord, before the Archbishop comes, I may say that I thought the request furnished to us a very reasonable one.

Mr. Justice *Kegh*.] I really think that this is more or less a loss of time; I have nothing to do with it, and you must decide for yourselves.

Mr. Macdonogh.] As each small point arises I will not delay with respect to those particulars.

The Most Reverend Dr. McHALE, Archbishop of Tuam; Examined.

4977. Mr. Serjeant *Armstrong*.] Your Grace was served with a subpoena to produce certain documents; have you with you, a letter which you received from Captain Trench in or about the month of July last?—Yes, I happen to have that letter.

4978. Will you have the goodness to produce it?—

[His Grace produced the same, which is as follows:—]

"Galway, 22 July 1871. 'Your Grace, As I have been asked to come forward as a candidate on the occasion of Mr. Gregory's retirement from the representation of our county, I would be glad, if your valuable time is not too much occupied, if you would allow me the benefit of seeing and conversing with you at any hour that may suit you on Tuesday next, the 25th instant. As I dine and sleep at Arnagh on Monday night, I would be glad if you would be good enough to cause your reply to be addressed to me, Captain le Poer Trench, care of R. Bodkin, Esq., Arnagh, Ballyghninin, and oblige your faithful servant, W. le Poer Trench.' "To His Grace the Most Rev. John McHale."

4979. Mr. Serjeant *Armstrong*.] This is Captain Trench's original letter, and I find on the part which he left blank, an intended letter of your Grace?—Certainly.

Mr. Macdonogh.] I beg your Grace's pardon; you have a right to produce any document under your subpoena, but if you are to be asked any questions you must be sworn.

Mr. Serjeant *Armstrong*.] There was other writing on it, and his Grace used the blank portion of the sheet of paper to put the intended reply.

Archbishop *McHale*.] Precisely.

Mr. Serjeant *Armstrong*.] But we have the original, and therefore I will refer to it; what is written there never came to us.

Mr. Macdonogh.] I do not object to that.

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Mr. Justice *Kegh* (to Mr. Serjeant *Armstrong*).] Do you wish that to be marked and handed in.

Mr. Serjeant *Armstrong*.] Certainly, my Lord: it may all go together.

Mr. Justice *Kegh*.] It is only the one letter.

Archbishop *McHale*.] There is a portion of it on the original letter.

Mr. Justice *Kegh*.] If his Grace would wish we can erase that.

Mr. Serjeant *Armstrong*.] We shall never read it; that is only a sketch of what he intended; so will not read it at all.

Mr. Justice *Kegh*.] If you like, it can be torn off, and then you will have the original letter; it is much better to have it so.

4980. Mr. Serjeant *Armstrong* (to his Grace).] Were any resolutions passed at any meeting of the clergy or bishops, or both, at Gort.

Mr. Macdonogh.] May I ask for the subpoena *daces testis*.

4981. To his Grace. Will you give me the subpoena *daces testis* with which you were served to produce the documents?—I have not it; I thought that these documents were very important; I have not the resolutions.

4982. Mr. Serjeant *Armstrong*.] Have you with you any resolutions, or copies of resolutions?—I have not.

4983. Of meetings held at any place?—I have not; these are the only documents which I have connected with the matter.

4984. Have you Sir Thomas Burke's letter?—No, I have not, indeed.

4985. You said that you had nothing but the one letter?—I had a writing case, and when I was coming in I did not think it necessary to bring the writing case.

4986. Have you the two letters of Sir Thomas Burke

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Burke at home, of the 8th and the 13th of July, as published?—Yes.

4987. You have read them in the "Times News"?—I have.

Mr. Serjeant Armstrong (to Mr. Macdonagh).] Will you admit that the newspaper reports are correct.

Mr. Macdonagh.] If his Grace, upon the production of the newspaper reports, says that they are correct, I will admit them; there is no difficulty whatever about it.

Mr. Serjeant Armstrong.] The result will be that his Grace must go back and bring his writing case.

Archbishop McHale.] I have not the least objection.

Mr. Justice Keogh.] It will be putting his Grace to unnecessary trouble, without any object, when public documents are in the newspapers.

Mr. Serjeant Armstrong.] My learned friend said, "Let the documents *de bono ror*." No mortal being questions that these are correct copies.

4988. Mr. Macdonagh.] I will ask a question of his Grace which will dispose of it. May I ask your Grace whether the letters were correctly published in the newspaper, so that I may take that publication as correct?—I think that they were substantially so.

Mr. Macdonagh.] That will satisfy me, my Lord.

Archbishop McHale.] There might be some verbal inaccuracies.

Mr. Serjeant Armstrong.] Will my learned friend admit that these documents, being resolutions, are substantially correctly given in the newspapers.

Mr. Macdonagh.] I cannot admit that.

Mr. Serjeant Armstrong.] Nobody can suppose fabrication.

Mr. Macdonagh.] Nobody supposes fabrication at all, but it is frequently desirable to call your witness to produce certain things.

Mr. Serjeant Armstrong.] Then your Grace must produce every scrap of paper which you have, even including your private writing case.

Mr. Macdonagh.] Will your Grace be good enough to read the *subpoena duces tecum* which you have received, and every document mentioned therein you will be good enough to bring.

4989. Mr. Serjeant Armstrong.] Read the *subpoena duces tecum*. Your Grace must have the trouble of bringing whatever you have, and I will ask you to look carefully so that there may be no occasion to re-trouble you?—I shall do so with very great pleasure.

4990. Mr. Macdonagh.] Then your Lordship will take my admission that the letters of Sir Thomas Burke, and the reply of his Grace the

Archbishop are correctly stated; his Lordship having told me that they are substantially correct. (To his Grace.) Have you read them in the paper?—I have.

4491. And you take it for granted that they are correct?—I do.

Mr. Serjeant Armstrong.] And I suppose that my learned friend Mr. Macdonagh will admit that the reply to the letter of Captain Trench in the "Freeman" is correct.

4992. Mr. Macdonagh (to his Grace).] Did you read it in the "Freeman"?—Yes, I am sure that I did, as far as the impression upon my mind goes.

Mr. Serjeant Armstrong.] My learned friend will admit that the reply in the "Freeman" to the letter of Captain Trench is correct.

Mr. Macdonagh.] Yes, my Lord; but I do not admit the correctness of the rest of the paper in any way.

Mr. Justice Keogh.] This can be done by taking a copy of the "Freeman's Journal," and taking out the letter, and leaving all the rest.

4993. Mr. Serjeant Armstrong.] This is the reply which your Grace actually did send to Captain Trench's first letter (*handing a letter to his Grace*)?—Yes.

Mr. Serjeant Armstrong.] Hand it in.

Mr. Macdonagh.] I beg your pardon; that is examining the witness. Do not hand it in.

Mr. Serjeant Armstrong.] Hand me the letter.

Mr. Macdonagh.] You cannot go so far.

Mr. Justice Keogh.] You cannot. We cannot help it.

Mr. Serjeant Armstrong.] Do you admit that to be his Grace's handwriting?

Mr. Macdonagh.] We admit nothing until you swear the witness.

Mr. Serjeant Armstrong (to Mr. Macdonagh).] Ask your attorney.

Mr. Macdonagh.] I will not. (To his Grace.) Do not answer a single word.

Mr. Serjeant Armstrong.] When his Grace retires I want to have another reverend gentleman in that chair. Is the Reverend Mr. Sellars here.

Mr. Macdonagh.] I presume that his Grace need not remain in Court.

Mr. Justice Keogh.] Certainly not.

Mr. Macdonagh.] Your Grace will exercise your own discretion whether you will be here or not.

Mr. Justice Keogh.] Your Grace shall get ample notice if you are required.

Mr. Serjeant Armstrong.] The Archbishop can send for those documents. Is the Reverend Mr. Sellars here.

The Rev. JOHN SELLARS was called upon his subpoena, and appeared.

J. Sellars.

4994. Mr. Serjeant Armstrong.] Do you propose resolutions come to at a meeting of the clergy on the 17th January 1872?—Yes.

4995. Just have the goodness to hand them in. —(The Witness delivered in the same, which are as follows:—)

County

"County Galway Election.

"At a meeting of the bishop and clergy of the diocese of Clonfert, held at Loughrea, on Wednesday, 17th instant, Meet Rev. Dr. Duggan in the chair, Rev. J. Sellers, C. A. secretary, the following resolutions were unanimously adopted:

"1st. That, as the spiritual no less than the temporal interests of our flocks are likely to be most seriously affected by the legislation of the coming session of the Imperial Parliament, we deem it a sacred duty, as it is a constitutional right, to make every legitimate effort, that our county may have such representation in Parliament as will most conduce to the advancement of those interests.

"2nd. That, with this object solely in view, we declare our full confidence in Captain Nolan; and we call on such of our parishioners as are privileged to vote, to record their votes fearlessly and conscientiously for that gentleman in the coming struggle."

4996. I believe you are chaplain to the Most Reverend Dr. Duggan?

Mr. MacDermot.] Do not answer that question until you are sworn. Do not answer a single question until you are sworn.

Mr. MacDonagh.] I really must ask your Lordship to restrain my amusing friends, because the object to avoid swearing the witness is so plain and palpable.

4997. Mr. Serjeant Armstrong.] Do you produce the circular, or one of the circulars, issued under your own signature on the 18th of January

to the clergy?—(The Witness produced the same, which is as follows:—)

"Loughrea, 18th January, 1872.

"Rev. Sir,

"I am instructed by the Most Reverend Dr. Duggan to enclose resolutions adopted at the meeting of the clergy here on yesterday. The unanimous desire of the clergy also was that his Lordship would request all the priests of this diocese to explain to their flocks on next Sunday the rights and responsibilities of the electors in exercising the franchise in the coming election, that it is a trust vested in them for the benefit of the people at large, and not to be used for private or personal purposes, but without fear or favour, according to the dictates of each man's conscience. His Lordship, therefore, expects that in this crisis, where the intention is explicitly avowed to crush 'priestly dictation,' the peremptory cry of the advocates of revolution and Communism, no clergyman will be found apathetic or indifferent. His Lordship is fully confident that the people will fearlessly sustain the united prelate and priesthood of this great Catholic county.

"I am, Rev. Sir,

"Your obedient servant,

"John Sellers, C. A."

Mr. Justice Keogh.] Why is this document torn?

Mr. MacDermot.] My Lord, let the witness be sworn upon that.

Witness.] There was nothing whatsoever on the part which is torn away.

Mr. THOMAS HIGGINS, sworn; Examined by Mr. Serjeant Armstrong.

4998. Do you know his Grace Archbishop McHale?—I do.

4999. Are you acquainted with the general character of his handwriting?—Yes.

5000. Are you so acquainted with it as to be able to form a belief as to whether the writing is his or not?—Yes.

5001. You think so?—I am sure of it.

5002. Is that his handwriting (handing a paper to the Witness)?—I believe that to be his handwriting.

[The document was handed in, and is as follows:—]

"Clifden, July 26th, 1871.

"The Archbishop of Tuam has the honour to acknowledge the letter of The Honourable Le Poer Trench on the subject of the election likely soon to take place in consequence of Mr. Gregory's retirement from the representation of the county.

"The honourable Captain Le Poer Trench is probably aware that on the occasion of the late election in Galway Captain Nolan had canvassed the electors, and received assurances of support calculated to encourage him to come to the poll with fair prospects of success. Unwilling, however, to involve the county in a contested election, he listened to the councils proffered by some influential friends, with the explicit promise of his being supported by them at the next election. To that covenant the Archbishop has been a willing party.

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"Passing over the important question of what are the hereditary or personal claims of a member of the Clancarty family to the free support of the Catholic constituents of the county of Galway, the Archbishop feels that on the faith of honourable covenants he cannot recede from the promise of giving his vote and influence to Captain Nolan at the next election.

"Since that time Captain Nolan has earned fresh claims to the support of the tenant class, as it seems to the Archbishop, and the unity of the landlord class, by his noble conduct, in stooping, by large pecuniary sacrifices, for some acts of landless severity inflicted in his neighbourhood, which might be traced, as often happens, to the cupidity of evil counsellors rather than his own.

"Under such circumstances, the Archbishop would be wanting in his duty if he did not respectfully offer his advice to the honourable Captain Le Poer Trench as to other aspirers to Parliamentary honours, not to disturb the peace of the county by a contest with Captain Nolan; a contest in which he could not hope to win, but by the unconstitutional coercion of the Catholic constituents, who form the great mass of the Galway electors. But that again, like other old devices, is now too antiquated to succeed, and he that would attempt to have recourse to such a rusty engine would, by the very fact, deserve the most signal discomfiture, accompanied with the just reprobation of the people of Ireland."

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5003. You

Rev.
J. Sellers.
9 April
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Mr.
T. Higgins.

Cross-examined by Mr. Macdonagh.

Mr. T. Higgins. 5003. You were the conducting agent on behalf of Captain Nolan?—Yes.

5004. You are now conducting the defence of this Petition, as his attorney?—I am.

5005. During the whole of that election, did, to your knowledge, any single case of either treating or intimidating a voter, to prevent his voting, occur?—Not within my knowledge; I mean on the part of Captain Nolan.

5006. That is what I mean; on the part of Captain Nolan, or on his side?—Yes.

5007. Do I understand you to mean that that is on the side of Captain Nolan?—Yes.

5008. Then, perhaps, you did know of such an act of treating, or intimidating, a voter on the side of Captain Trench?—I certainly did not; I am particular.

5009. I want to correct some figures of my learned friend with respect to the numbers of the poll. Are you able to inform his Lordship (we have the poll books here) of the entire numbers on the registry?—You have the numbers on your brief, and I cannot recollect them.

Mr. PIERCE JOYCE, sworn; Examined by Mr. Murphy.

Mr. P. Joyce. 5012. Did you take any part in the late election?—I did.

5013. Am I right in stating that you supported Captain Trench?—I did.

5014. What is your usual place of worship in this county?—When I come to Galway, in the town of Galway most generally, occasionally I go to the parish chapel in Castlegar, about a mile and a half from Galway.

5015. Who is the priest at Castlegar?—The Rev. Father James Thomas.

5016. Did you hear any reverend gentleman speaking from the altar during the month of January, with reference to the then coming election?—No, except the Rev. Father Thomas.

5017. On what occasion did you hear him?—I heard him in the chapel, during the month of January, address his congregation.

5018. Was it after the celebration of mass?—Yes.

5019. From the altar?—From the altar.

5020. Had he his vestments on at the time?—He had.

5021. Did you hear him on more occasions than one?—I did.

5022. I must ask you to give, as accurately as you can, the observations made as they struck you?—He spoke in Irish on both occasions, and although he referred to the election, I really do not think that he said anything very objectionable.

5023. Did you understand what he said?—A part of it, but I could not take upon myself to swear what he said.

5024. Did you hear him solicit votes for any person?—Yes; I understood him to do so.

5025. On whose behalf?—On behalf of Captain Nolan.

5026. Had you any conversations with him with reference to the election?—I had not; I do not think that I had; I am almost sure that I had not.

5027. Do you know a man named Malrea?—Yes; Thomas Malrea.

Mr. Serjeant Armstrong. My Lord, I offer to adopt the poll books. There is no use in taking that down.

Mr. Justice Keogh. There can be no mistake about that. The original registry is in the clerk of the peace's office; he is bound to print it, and every person can get, by Act of Parliament, a copy of it by paying 1s. and the poll books will tell you every person who voted. I have the poll books here, under the still unbroken seal of the Hansper Office.

Mr. Macdonagh. Yes, my Lord; and with respect to the numbers on the registry, they must be slightly qualified by double entries and deaths.

Mr. Justice Keogh. They always are.

Re-examined by Mr. Serjeant Armstrong.

5010. You know nothing personally of either treating or intimidation?—I do not.

5011. Are you not the last man who would know who is the last man who hears that his wife is going to run away with another man?—(No answer.)

5028. Who is he?—He is a tenant of mine.

5029. He is a voter, I believe?—He is.

5030. Had you any conversation with him with reference to his vote?—I had, or at least he spoke to me about it.

5031. Did you ask him to join you in supporting Captain Trench?—I did not.

5032. Did he know that you were a supporter of Captain Trench's?—He did not; I will tell you exactly what I told him.

5033. What was it?—At the end of November Thomas Malrea was at my house; he was after paying rent, and he said to me, "What are we to do, master, about this election which is coming on?" I said, "I do not know, Malrea, myself, and I think I should sooner leave the tenants to themselves." He said, "In compliment to your honor, it may be that you will let me vote for Captain Trench." I drew back, and said, "Why do you want to vote for Captain Trench?" He said, "I will tell you, your honor; there is a brother of mine," or a cousin, or some relative of his, "he is living under him; he has been very ill for the last two years, and I had a letter from him saying that it would be of the greatest advantage to him if I would vote for him." I said, "That is a good reason for doing so; I will leave you to yourself." This was in the month of November.

5034. Had you any further conversation with this man then?—No.

5035. At any time previous to the election?—Previous to the election I spoke a few words to him, and told his son to tell him to come.

5036. What occurred at the interview?—I think he said that great pressure and intimidation was brought upon him, and that he was afraid he could not perform his promise; something of that kind.

5037. Did he tell you of what nature the intimidation, or the pressure, brought to bear upon him was?—He did; he told me that there was pressure brought upon him; that the pig market, which

which was at his door, was threatened to be removed, and, in fact, that he would be annihilated and destroyed.

5038. Did he say who it was that threatened to have the pig market removed from his place?—I cannot absolutely swear that he said that it was the priest, but I understood him to say so.

5039. Did he see any clergyman's name at the time?—He did.

5040. Whose name did he see?—The Rev. Father Hosty.

5041. Is he his parish priest, or the curate of the parish?—He is the curate.

5042. Is it in the parish in which this market is held from which he derives some property?—Yes, it is close to his door.

5043. What was the date of the conversation?—The latter conversation was between two and three weeks before the election, but the original conversation was in November; between the 30th and the 30th of November. I can give you the exact date, because I have a memorandum which shows the date. The other conversation was a short time before the election, probably a fortnight or ten days.

5044. Do you know as a fact how Mulrea voted?—I do not know as a fact, but I saw him passing up between the parish priest and the curate, as I was returning from voting, somewhere about nine o'clock on the polling day.

5045. And I suppose that you drew your own conclusion from that?—Just so.

5046. Did you take any active part in the election proceedings yourself?—I really did not take any very active part; I expressed my opinion, but I did not take any active part.

5047. Had you any conversation with any reverend gentlemen in reference to the election, outside the chapel?—Yes; I spoke to several reverend gentlemen.

5048. Do you recollect on one occasion having a conversation outside the chapel with a reverend gentleman on which something occurred which makes any impression upon you?—I do not; nothing particular.

5049. In consequence of the part which you took, I must ask you this question: did you yourself receive any personal annoyance, insult?—I did; a great deal.

5050-1. From what quarters?—I think that I received great insult from a clergyman.

5052-3. Mr. MacDermot.] Were you present?—I was not.

5054. Mr. Murphy.] Had you any conversation with Father Hosty with reference to it?—No.

Mr. Macdonagh.] Of course, your Lordship will order that to be expunged.

Mr. Justice Keogh.] Of course.

5055. Mr. Murphy (to the Witness).] Can you state the date when you heard anything with reference to Father Hosty's mentioning you; about what time was it?—Very close to the election. I think that that occurrence which took place, was on the Sunday after the nomination.

5056. Immediately preceding the polling?—Immediately preceding the polling.

5057. Mr. Macdonagh.] That is the day on which you heard of such an occurrence?—Precisely.

5058. Mr. Murphy.] What other annoyance did you receive than that you have mentioned?—I have received unmeasured annoyance. I have

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been called all sorts of names. I have been called a renegade Catholic. A reverend gentleman waived his hand at me.

5059. Who was that?—The celebrated Rev. Father Conway, and the mob shouted at me, and booed, and called me a "jumper," in the open square of Galway.

5060. Did he use any words suited to his action?—He did.

5061. What did he say?—He said "renegade Catholic," or muttered, and the people went on to shout, and said that I had sold my religion, and all sorts of things.

5062. Was there a crowd present at that time?—There were a great number of people present; it was on the day of the nomination in Galway; it was either the day of the nomination, or the day of the polling. I think that it was on the day of the nomination, but it was certainly one or the other.

5063. Was the demeanour of the crowd altered in consequence of this action of the reverend gentleman?—Oh, yes; it was very much altered in consequence of the whole concern; they shouted at me when they saw him waiving his hand in most measured terms.

5064. They got excited?—They did.

5065. They were excited with anger, or wrath, towards you?—Apparently so.

5066. So that you say that you retreated from it?—I did.

5067. From the abuse, or probably what was worse, you retreated into the club?—Into the club.

5068. On other occasions on which you have been booed at, and violence has been levelled at you, was it by a crowd of persons in the street, or along the road, or where?—It was both in the street and along the road. I drive about a good deal through the country; and several times in driving along the road, both in town and country, I have been booed at, and it has been said that I sold my religion; and that has been done 15 or 20 miles from Galway.

5069. In other places where business or pleasure may have taken you?—Where business or pleasure may have taken me.

5070. Can you attribute the feeling manifested towards you on those occasions to anything else but the excitement caused by the election?—To nothing whatever but the election.

5071. And the part which you took in the election?—To the part which I took in the election.

5072. You have been a long time resident in this county?—Yes, all my life, I may say.

5073. And you have considerable experience of it, and of the relations between the people and landlords, or the upper class generally?—Very considerable.

5074. I ask you whether you witnessed intimidation practised prior to that election?—I did.

Mr. MacDermot.] Will my learned friend ask us to some act of intimidation, and we shall judge whether it was so or not?

5075. Mr. Murphy (to the Witness).] Did you see it exhibited towards others than yourself?—I did.

5076. Many others?—Many others.

5077. Were your comfort and position as a resident gentleman in this county greatly interfered with in consequence of the practices which

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Mr.
P. Joyce.
—
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1872.

arose at that election?—I do not think that my position was, but my comfort was.

5078. Of course I mean that. Nothing of that kind can affect your position. Was there any other manifestation of feeling towards you, either by word, or gesture, by any other reverend gentleman than those which you have mentioned?—No, certainly not.

5079. Had you any conversation yourself with Mr. Sebastian Nolan, in reference to the coming election?—I had several conversations; I could not tell how many; we never met without having a long conversation about it, and I met him several times, and with his brother too; we had several conversations.

5080. That is, with Captain Nolan?—Both with Captain Nolan and with Sebastian Nolan; but more particularly with Sebastian Nolan.

5081. Did he say anything to you in reference to his support from the clergy?—He did, several times; he spoke to me, and talked in disgust about Trench several times.

5082. What did he say?—He said that he had the support of the clergy at one time, and I said that I was sure that he had not, for I thought that there were a great many who would not support him; and he assured me that he had their undivided support, and that they were all supporting him. I told him in one conversation that I almost knew as a matter of fact that he had not the support of all of them.

5083. Did he maintain his position?—He did not. I think that he gave way, and admitted that he had not the support of all the clergy.

5084. Did you mention to him any grounds for your belief that he had not the undivided support of the clergy at that time?—I did. I mentioned that I heard, and that I knew something which showed me that I was quite sure that he had not the support of all of them.

5085. Did you mention the circumstances which led you so to believe?—I suppose that I did.

5086. Do you recollect them?—I do not particularly, except that I have heard so-and-so, and so-and-so.

5087. Had you yourself any conversation with the reverend bishop of this diocese, Dr. McEvilly, in reference to Captain Nolan?—I had.

5088. When had you first conversation with him in reference to it?—It was, I suppose, a month, or six weeks, before the election.

5089. What did he state to you in reference to the part which he intended to take in the election?—He told me that he intended to support Captain Nolan, and I thought that it was rather a lukewarm support.

Mr. Macdonagh.] My Lord, I object to this gentleman stating his inferences; I cannot object to conversations after your Lordship's ruling.

5090. Mr. Murphy (to the Witness.) What did he say?—I think that he said, "Mr. Joyce, I did not care, or think very much about Captain Nolan, but I have joined him now, and I am going to give him my support."

5091. Did he say what he joined?—He said that he joined the other clergy now in giving him his support, and he spoke about the Loughrea meeting.

5092. What did he say with reference to that?—He said that it was an extraordinary meeting, and that it was wanted to prevent the priests taking a

part, and he condemned Sir Thomas Burke; I said that Sir Thomas Burke could defend himself; but I said, "Supposing that any other candidate besides Captain Trench had been adopted at that meeting at Loughrea, the clergy could not support him, because they had already promised their support to Captain Nolan."

5093. You said that a promise had been given to Doctor McEvilly previous to the Loughrea meeting?—I did.

5094. What did Doctor McEvilly say to that?—I added to that, supposing any other candidate was adopted at the Loughrea meeting, and I mentioned the name of Christopher Reddington, and I said, "If he was adopted, you, my Lord, and the clergy could not support him," and he said, if Mr. Christopher Reddington or any other candidate wanted to come forward, he ought to come forward in time; those were as nearly as possible the words which were used.

5095. In conversation which you had with Mr. Sebastian Nolan, did he at all refer to the support which they had from the clergy?—He did in this way; I said to Mr. Nolan in one of our conversations, "You have two good agents in every parish" (we had, I suppose, 20 or 30 conversations); he said, "We have, and we have boys," or "lads," or some words of that kind, "who will do their duty," or "who will do the business," some words of that kind; but he said, "We have two agents," or "two men," or "two boys," I do not know; but I think that he said "boys" or "lads," and "who will do their duty."

5096. Was any statement made by him with reference to the support in any of the conversations with you?—Yes, he said that he had the whole county organised, and that Mr. Trench had no support, except out of two or three parishes, and I said, "Surely it is impossible; Lord Clancarty's own tenants will vote for him," and he said, "Oh yes, they will vote," or "we will allow them to vote."

5097. Had your own tenants given you any promise of support, and of going with you?—Yes, several of them had, several of them gave me a promise, which I thought would never be broken.

5098. In fact, I suppose at previous elections the promise of your tenants never had been broken?—Never.

5099. Was that promise to go with you and Captain Trench?—It was; I must say that although they gave me that promise, they never gave me that promise in that positive way until I told them that no principle was involved, and no religion, or anything of that sort; I said that I would sooner cut off my head than I would ask them to go against their religion; these were the words which I used.

5100. You gave them the assurance that there was nothing against their conscience?—I did; the most positive assurance.

5101. In point of fact, how did they subsequently vote?—They voted for Captain Nolan.

5102. Did you see them coming to the poll?—I saw many of them going down to the poll, but I did not see any of them vote. One very aged, feeble man came in to vote, although he wrote me a letter on the day before.

5103. Mr. Macdonagh.] Do not mention a letter, unless you produce it?—I have the letter.

Mr. Justice Keogh.] Produce it.

5104. Mr.

5104. Mr. Murphy.] The letter is in these terms: "Honoured Sir,—I mean to inform you that I am very sorry in case of my not being able to perform my promises towards your Honour; and if necessary, the enormous mind the people has, and very little they would matter to set our house on fire, and the speech that our parish priest made to-day would make any one afraid; and it is a very little my father would get that would send him to his grave. I am, your humble servant, Pat. Dransfield." His father was an aged man?—A very aged man. That letter was handed to me on the day before the polling by his daughter, and I said, "Very well, I cannot help it." Notwithstanding that, this poor man came in to the poll; and after I returned from polling, at about 9 o'clock, he was at the square of Galway holding on by the rails, and his daughter said to me, "My father is ill." She said, "Do not go near him, he would prefer not to be seen with you;" and she said, "If you can get some one to bring him down to let him poll, it will be a charity;" and I spoke to some friends at the club. I said, "Do not let him vote." I was really afraid to have him vote.

5105. He was there, ready to stand by his allegiance to you?—He was.

5106. And you were apprehensive of the immediate consequence to himself?—Not only the immediate but the ultimate consequence, I was afraid.

5107. Did you see any of your tenants escorted to the poll besides this man Mulrea, whom you have mentioned?—I did. I saw several other of the tenants in the town. I saw them at the inn with cars and bows and lances, and headed by the priests. They came into the town. I did not actually see them vote.

5108. Was Father Hasty there?—He was among the first.

5109. In reference to the letter and other matters, I will ask you, is there any other matter referring to the election and to this investigation which is in your recollection, and which occurs to you as being material to mention; you are bound to do it?—I know that I am, and I do not want to shrink from doing it.

5110. What have you to mention?—I remember that there was a person of the name of Pat. Doyle, a tenant of mine, who lives at Kintilla, and he most faithfully promised to vote for me. I said to him, "I should not want you to go against your religion;" and he said, "As you have told me that it is not against my religion, I most positively promise to vote for you;" and he wrote me a letter, and said that he should be ashamed not to do it.

5111. Have you that letter?—I have. (The Witness produced the letter.)

5112. Mr. Murphy.] "I write to let you know that I intend to give you my vote, for I know if it was any ways injurious towards my religion you would not permit me to do it. Dear Sir, I consider since I saw you that it would be very sad thing for me to give it to any other man; I should not would not refuse you for anything; please drop me a few lines. I am, yours obedient, Pat. Doyle." This is your own note after that, "Has a lease and pays a rent of 59 l. a-year"?—He does.

5113. And this letter, I suppose, was written by some member of his family?—It was; he does not write himself.

5114. I suppose his daughter wrote it; who

ever wrote it writes a very good hand; what occurred after that?—The answer was that I would be on the farm in a few days; it is a farm that I go to very often. The next time I went there he said that it would be very wrong of him not to vote, and he said, "Thank God, the priest is not very much against us here."

5115. Did he vote as he promised?—He went into Loughrea and voted for Captain Nolan.

5116. Did he tell you what caused the alteration?—He did: he said his life or property would not be safe, and that he could not with any safety go into the market at Loughrea if he did not do so, and a few days before then he went almost as far as to say (he did not say that he would not vote) that there was a terrible pressure put upon him then; this was immediately preceding the election. He said that he went very far in speaking to myself, and he used these words, as I recollect, word for word, "For God's sake, master, rise out of the business."

5117. That is to yourself?—That is to myself. "Rise out of the business; there are bad people going through the country. You are out late and early, and you might get a knock."

5118. Was it after he stated to you that there was pressure brought to bear upon himself?—The very day that he said the great pressure was brought upon himself.

5119. Did he intimate in what form pressure was brought to bear upon him?—He did; he said that there were mobs going through the country, and that he was in Loughrea the day before, and that he was given to understand there that the life or property of any man that was intending to vote for Captain Trench would not be safe. I met him after the polling, and I said, "Well, Doyle, you haven't kept your promise;" "I didn't, ver honest," said he, "I could not help it; I should not do it, but there was no resource for me; I could not help it; I had rather trust to yer honour's mercy; I have no mercy to get elsewhere."

5120. Independently of that case of Pat Doyle, to which you have just referred, does any other circumstance, or the case of any other person occur to you, which you think it material to mention?—No, the thing was so general; I do not think there was anything material; but in the neighbourhood of Eyrecoort my man told me—

5121. Has your man a vote?—My man has a vote; he is my agent there.

5122. What did he state to you?—He said that "it was useless to think that the people would vote." "Well," said I, "there is one man, at all events, do not ask him or tell him what my wishes are, because early in the business he said he wished to vote for Captain Nolan." Said I, "If you have that wish of course I don't want to interfere with you," and I gave him permission; and I believe that Captain Nolan will state here—

5123. Never mind that; was it in a conversation between you and Captain Nolan?—It was; Captain Nolan asked me in the presence of this man: Might the man vote for him? and I told him he might do as he liked. I happened yesterday, or the day before, to find a note of Captain Nolan's.

5124. Will you please to give us that?—Yes; it was on the day before yesterday that I happened to find it (handing a paper to the learned Counsel).

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5125. Did this gentleman near Eyrescourt, who is a voter and agent, give any reason for that statement which he made?—He did.

5126. What did he state?—He said that the clergy were all one side.

5127. Mr. MacDonnet.] Who said this?—Mr. John Ryder.

5128. Mr. MacDonnet.] That is your agent?—Yes.

5129. Mr. Murphy.] "Ballinacorney, Tulla, 3rd November 1871. Dear Joyce,—You were kind enough to tell one of your tenants at Ballinacorney before me that you had no objection to his voting in my favour; I have since been on two of your properties in the Clare Barony, and would feel greatly obliged if you would intimate to your tenants that they were in the same position; negative is to me nearly as valuable as active support, and I should feel greatly obliged if you would universalise (if I may coin a word) on your property the example you set at Ballinacorney. Believe me, truly yours, J. P. Nolan."—I think it is right to state that I have not really a distinct recollection of that having occurred at Ballinacorney. If it is a man of the name of John Hawke, it is most probable that that is it, because I told him from the beginning that he might vote for Captain Nolan.

5130. Independently of that which has occurred with respect to the men whom you have named, your agent, and a voter at Eyrescourt, was any intimation given you by any of the voters on any of the other properties, as to the facts which would prevent them from voting?—There was. The voters beyond Towan West told me that if I could get five or ten men in the district to go, then they would go in and poll for me; but what was the use, they said, of making black sheep of them, when no other person would poll except for Captain Nolan?

5131. Did they say anything as to any pressure or influence brought to bear upon them?—They did. They said that "the priests and the country, both the mob and the priests" (those are the words they used), "they could not go against them."

5132. Was there any statement made to you by any other voter in reference to the state of the country, or the circumstances in which he was placed?—No, I do not recollect any other.

Cross-examined by Mr. MacDonnet.

5133. I think you were present at the Loughrea meeting, were you not?—I was not.

5134. The conversation which you had with Dr. McEvilly was subsequent to this meeting?—It must have been after that.

5135. There was a reference made to the meeting, so that it must have been so?—There was. It was after the meeting.

5136. I think you said that Dr. McEvilly complained of something which occurred at the meeting, which dissatisfied the clergy?—He did.

5137. Did he not say that there was an attempt to exclude the clergy from the politics of the county?—I think he did.

5138. Up to that time you say that he appeared to you to be lukewarm in favour of Captain Nolan?—Yes.

5139. Did you not infer from the conversation between yourself and Dr. McEvilly that the snarlety (if I may use the phrase), and the ardour with which the priests took up the contest after

the Loughrea meeting was attributable, not to any very particular case that they had for Captain Nolan, but to the fact that they considered that their exclusion from the politics of the county was being attempted by the laity?—Well, I did not think it was.

5140. Did he not convey that to you?—I do not think so.

5141. Did he not say to you that he did not care much about Captain Nolan?—He did not say those words of that kind.

5142. Did he not complain of the course which had been taken at the Loughrea meeting?—Yes, he did.

5143. And of Sir Thomas Burke?—He did.

5144. Before the Loughrea meeting were you yourself disposed to favour Captain Nolan?—I was more disposed to favour Mr. D'Arcy.

5145. Did you at any time before the Loughrea meeting say to your tenants that they might do as they liked?—I did; I said that I thought it was likely that I would leave them to themselves.

5146. As a matter of fact, do you not believe that you conveyed to them, that you would let them do as they liked?—I did not. I told them at that time, that I thought whether I would let them know later what my wishes were, because they appeared to be anxious to find out what I wished.

5147. You said a moment since, I think, that you thought you would let them do as they liked?—I did, as to one particular man.

5148. I was just retelling your recollection as to that; I think you said that you conveyed to them at the time that they might do as they liked?—I did not, because to several of them I never opened my lips about it.

5149. As to those men that you spoke to, do you consider it likely that they would have spread that view of yours?—They could not have spread it, for it was not given in that way; I said I did not know what I would do myself, and it was likely that I might leave the tenants to do as they liked.

5150. I am not at all suggesting that you used any undue influence?—Indeed, I did not.

5151. Supposing that you had said to them, "You may do as you like," and had not interfered, what do you think the bulk of your tenants would have done?—I think the bulk of the tenants would have voted with me.

5152. That is not the question I asked you: I say, supposing you had not, in any way, sought to guide the tenants, how do you think they would have voted?—Without guiding them, if I had asked them to vote with me, I am perfectly sure they would have done so, a great many of them; some of them might not.

5153. But if you did not ask them, do you believe that the political views of your tenants would concure more with those of Captain Nolan, or that they would be more adequately represented in their minds by the son of Lord Clancarty?—They spoke to me very disparagingly of Captain Nolan, and one of them used the very words that he was a very bad subject. Those were the very words.

5154. Do you believe that they would have preferred to vote for Captain Trench rather than for Captain Nolan?—I knew some of them would not vote for Captain Nolan, unless there was some undue influence.

5155. I only want to ascertain the fact, which I am sure you will be ready to tell. I do not ask

ask you what your influence with your tenants is, because I think that could not be overrated, nor do I undervalue it; but I ask you which do you think the majority of the tenantry would have selected, Captain Trench or Captain Nolan, if they had both been proposed to the tenantry?—Some of them told me that they would vote for Captain Trench, and some of them told me they would not like to vote for Captain Nolan.

5156. Some might mean one, and some might mean another?—I know this as a matter of fact: some of them told me that they would not like to vote for Captain Nolan, and some of them told me they would like to vote for Captain Trench.

5157. You have been asked the opinion of the country in general. Do you think that the majority of your tenants would have selected Captain Nolan, or Captain Trench?—I think the majority would have voted for Captain Trench.

5158. You think so?—Distinctly I do.

5159. Without your example?—If they saw me voting for him.

5160. But without that?—I do not know what they would have done then; I cannot answer that.

5161. I want to see what the tenants would do if the weight of your example were taken out of the scale. My learned friend asked you whether you did not witness other intimidation through the country in a general way?—I did.

5162. Besides those acts of intimidation which you have stated (that is to say, the beating and crying of mobs, and the excitement which you witnessed, and the cheering for Captain Nolan, and the "Down with Captain Trench," and those observations, and the waving of Father Conway's hands, and the affronts which that brought upon you, and the conversations which you had with these tenants), and apart from all these instances (and I cannot ask you the question without asking you to leave out of sight those instances), do you know of any instance of intimidation, and if so, will you state what it was?—Not that I was present at. Yes, I was; I heard shouting of my name, and I saw Mr. Morris shouted at in Galway here; and I saw a variety of things that are not upon my mind at this moment.

5163. Now I want to discover what the variety is, because variety is charming, particularly in this Election Petition case. Do you think that my friend Mr. Morris was intimidated by the shouting?—I do not know that he was; I rather think that he was not, but I really think he had some reason to be.

5164. Did you see any man struck at any time during the election?—I did; I saw men struck in the streets of Galway here on the day of the nomination, or on the day of the polling.

5165. With the exception of that, did you see any act of violence?—I did not.

5166. Have you not often witnessed at fair or market more acts of violence and more blows struck, or heads broken, than you witnessed at this election?—I do not think I ever witnessed such excitement in this county.

5167. The stronger popular feeling is, the stronger excitement will occur, and the more intensely the people feel; have you not seen more heads broken at a single fair than you saw during the entire of this election?—Well, I have.

5168. Have you witnessed former elections?—I have; several.

5169. Have you seen as many blows struck at former elections as you have at this?—I really

cannot tell whether I have or no; but I never saw such an extraordinary excitement at any election.

5170. You stated that you said to Mr. Sebastian Nolan that his brother had two good agents in every parish, the parish priest and the curate?—I did.

5171. Did you mean that in the sense of active, intelligent, and energetic supporters?—I did.

5172. In point of fact, is not the phrase "good agents, the parish priest and the curate," a phrase which you have often heard used at elections before now?—Often.

5173. As a matter of fact, do you know whether Lord Clanricarde's or Lord Clonbrock's tenants converted to their landlords, or to their agents, that they would vote for Captain Nolan, and asked to be permitted to vote for Captain Nolan?—Of my own knowledge I know nothing at all about them.

5174. Did you ever say to Mr. Sebastian Nolan, "Your brother will win by a large majority, as I know as a fact that the tenants of Lord Clanricarde and Lord Clonbrock have told their landlords that they would vote for any one but a son of Lord Clancarty"?—I have no recollection of it, but I may have said it. We have talked so often. I might have said it, because I have said a great many things in joke and jest. We used to have a great deal of laughing talk about the whole business. I might have said it, but I have not the slightest recollection of having said it.

5175. If you had said it, do you think that it would have been as a joke that you said it?—It might have been.

5176. These are the words:—"Your brother will win by a large majority, as I know as a fact that the tenants of Lord Clanricarde and Lord Clonbrock have told their landlords that they would vote for any one but a son of Lord Clancarty"?—I think I did not say it, for this reason, that I made two or three bets with Mr. Nolan that he would not win; and if I had thought that he would win by this majority, I would not have made those bets.

5177. Supposing that you had your bet made, you would feel a strong interest in winning your bet?—Of course.

5178. And you might feel uneasy at learning that your chances of winning were diminishing?—Yes.

5179. Until you said to Mr. Sebastian Nolan that Lord Clanricarde's and Lord Clonbrock's tenants were not going to favour your hopes, did you say anything to that effect?—I do not recollect that I did, but I said so much that I may have said many things that I do not recollect now.

5180. If you may have said it, you must have said in joke?—I do not think that I ever said it, but I think that if I said it I could not have said it seriously.

5181. Were you serious or joking when you said that there were two good agents in every parish?—I was very serious then.

5182. You were considering your bet then?—Well, very likely I was. I am not saying that I was, but I think it very probable that I was.

5183. Did you ever say to Mr. Sebastian Nolan (with whom, I believe, you had your principal private chats), that if Mr. D'Arcy retired there would be no doubt that Captain Nolan would

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would get in?—I do not know that I did; I do not recollect that I did; I might have said it.

5184. Did you say it at the meeting?—I do not recollect that I did.

5185. May you have said it at some time, or somewhere?—I might have said it, because I said so many things; but I have no recollection of having said it, though I do not at all say that I might not have said it.

5186. Was there any time at which you thought that if Mr. D'Arcy were out of the field Captain Nolan would be the man returned?—I cannot say that I even thought that. On the contrary, I thought that Captain Trench would have been returned, and returned by a large majority; and that I stated to several people. At the time that Mr. D'Arcy left the field after the Loughrea meeting, just about the time after Mr. D'Arcy was out of the field, I said then that it was quite sure (I wrote it to different people) that Captain Trench would win by a large majority.

5187. Why did the Loughrea meeting cause you to come to that conclusion?—Because he was not really adopted until then. I did not know that the great Catholic contingent of the county would vote for him at that time.

5188. When you found that the Catholic gentry, and the Liberal gentry, concurred in supporting Captain Trench?—Yes, then I thought it was not possible for him to lose his election.

5189. After the election, did you say to Captain Nolan, "I told you you would win," referring to your former prophecy in his favour?—I do not think I spoke a word to Mr. Nolan after the election: I am sure I did not; I do not think I opened my lips to Captain Nolan, or to Mr. Sebastian Nolan, after the election.

5190. Did you at any time before the election, when you saw that the country was strongly in his favour, say to him, "I know you will win"?—I do not think I did; for I won one of the bets and he won the others.

5191. What were the bets that you took?—Five to 1 that Captain Trench would not poll 600 votes; I won that.

5192. That was the estimate of the chances?—It was not at all; I thought it was one of the most foolish bets I ever heard made.

5193. What were the other bets?—The other bets were even. He bet that his brother would poll more than Captain Trench. I bet him that Captain Trench would have a majority, and I lost two bets of that sort.

5194. Will you tell me the date of those bets?—I could not tell the date positively, but I think that it was somewhere about three weeks or a month before the election.

5195. Was that before the great meetings were held at Mount Beller, and Newbridge, and those places?—Two or three of them were held, I am sure; I think it was after the Loughrea meeting, or the Athlery meeting, that I made that bet.

5196. The bet of the 500 l.?—The five to one; they were all made the same day and the same hour, within fifteen minutes.

5197. Do you not think that the holding of those meetings, the Mount Beller meeting, and the Newbridge meeting, and those other large meetings that were then held, had a great deal to do with the fate of the election?—I suppose they had.

5198. Do you not think that they had principally to do with it?—I do not.

5199. As to the excitement which you were speaking of among the masses of the people, do you not think it was a good deal created and caused by those meetings, and the addresses to the people at those meetings?—I do not, indeed; on the contrary, I thought after the Athlery meeting (for I passed by Athlery on that day) that it was a signal failure, and I thought it was likely that the other night have been something in the same way.

5200. With regard to this letter of the 4th of February: "Honoured Sir, I mean to inform you that I am very sorry in case of my not being able to perform my promises towards your honour, and that in consequence of the common mind the people has, and the very little they would venture to set our house or stock of corn on fire, and the speech that our parish priest made to-day, would make any one afraid; and it is very little that my father would get that would send him to his grave.—*Pat Drouthy.*" That is the 4th of February, two days before the election?—Yes; the day before the polling I got that letter.

5201. Did you ever communicate with him, or see him from the time that he wrote this letter until you saw him leaning against the rails?—I never saw or heard; I told his daughter, "Well, I can't help it; I do not blame him;" or something of that kind.

5202. But still he came in to vote?—He did.

5203. Where does this man live?—He lives about eight miles from Galway, between Clare, Galway, and Castle Lambert.

5204. You had no conversation with the writer of this letter when you saw him in Galway?—Not a word.

5205. You saw him in Galway?—He came in to keep his promise to me; I said in rather an angry way to his daughter, "Well, I can't help it; go off;" and notwithstanding that he came into Galway the next morning.

5206. He did not tell you he was there to poll?—He did not; I never opened my lips to him.

5207. Did you speak to the daughter in any way roughly at the time?—No; when he came in, I said, "I am greatly obliged to you." He was a faithful poor old fellow, and I said, "Well, let the poor man go to Mervine, and stop there; if we want him, I will send for him;" and at two o'clock I sent word that he might go home.

5208. At the time that the letter was delivered to you by the girl, did you say anything to imply that you were vexed or annoyed?—I said, "Well, I cannot help it;" I think she expected that I would write out, and I said, "I have no answer to give you." I thought that she might think that I would write out, insisting upon his coming.

5209. If you believed one word stated in the letter, would you not at once have told him to stay at home?—I would not, inasmuch as I was proud to see that I was not deserted, but that at all events one man stood true.

5210. He states here that people would motor little to set fire to the house. He speaks of the priest's speech, and says how much afraid he was, and how little it would cost the people to send the father of the writer to the grave?—Not the writer, for he could not write.

5211. If you believed that that was true, as a gentleman

gentleman of compassion, he being a tenant of your own?—I think he believed it to be true.

5212. If you believed it to be true, would you release him?—I did release him in fact, and I had no idea of his coming in. I had not the slightest idea of his coming in. I was quite surprised when I saw him.

5213. But you see he did come in?—He did come in.

5214. So that he did not consider himself released?—No.

5215. Would you not have released him if you had believed there was one word of truth in that letter; that is, that his corn would have been burnt, and that he would have been sent to his grave?—If I had believed that, of course I would. I would not subject a man to all that.

5216. You did not believe there was any real foundation for those fears?—I did believe that there was some foundation; not exactly for that, but I would have polled the man, only that I was afraid that he would have been injured, not only at the polling, but when he went home, and that he would have lost his life about it.

5217. You did not believe it was true?—I hoped it was not true, but people were in such a state, I did not know what to believe. I really did not think the man would have come in.

5218. Would you not, as a gentleman, have at once released him if you had thought that there was any foundation for those fears?—I did not press him to vote as a matter of fact.

5219. Would you have allowed him to come in and vote at a certain risk?—I would have allowed him to come in at all events, and see what I would do when he came in; as a matter of fact, I did not release him.

5220. Consequently I infer that you did not consider the danger so formidable as the writer of the letter seemed to think?—You may infer what you like.

5221. Mr. Justice Keogh.] What is his name?—Pat Brannolly.

5222. Mr. Moodeenat.] You regularly attend mass on Sunday?—I do.

5223. You heard nothing said from the altar that you disapproved of?—I did. I heard something that I disapproved of. I heard something, but nothing that I would care about much.

Re-examined by Mr. Murphy.

5224. Putting out of consideration for a moment the immediate effect which the presentation of that letter made upon you, you declined to bring that man to the poll though he was willing to go with you, in apprehension of the ultimate consequences to him?—Most certainly; and I had a consultation with six or eight of my friends as to what I ought to do.

5225. You say that you also believed that he, when he wrote that letter, or had it written by his authority, suffered from the apprehensions stated in that letter?—I am quite sure he did.

5226. With respect to what your tenants would have done if they had been left to themselves, you mentioned two classes; you said that a good many were ready to vote for Captain Trench?—I did.

5227. Independently of any interference on your part if they had been left to themselves?—Yes.

5228. And that several had stated to you that

they were unwilling to vote for Captain Nolan?—Some of them did.

5229. As to the others, do you think that they had any particular liking for either, or were they in a state of indifference?—

Mr. Moodeenat objected to the question.

Mr. Justice Keogh overruled the objection.

5230. Mr. Murphy (to the Witness.) You said, with respect to the two classes, so far as you knew, some were ready to support Captain Trench, even unsolicited by you?—Yes.

5231. And that others were unwilling to vote for Captain Nolan?—Yes, certainly.

5232. As to the condition of the remainder of the tenants, in your opinion were they in a complete state of indifference as to either?—I think completely so: I think that if they had not been asked one way or the other, they would not have voted at all.

5233. They would not have lost a day from the farm for either candidate?—Exactly so.

5234. And that a little legitimate influence on either side on the part of the landlords, or of others, would induce them to go and vote?—Precisely.

5235. With reference to Lord Clonbrock's and Lord Clanciarde's tenants, you say you have no recollection of ever having made such a statement as was put to you, but had you any reason whatever to suppose that the tenants of the Marquis of Clanciarde, or of Lord Clonbrock, if asked by either of those gentlemen, would hesitate to vote for Captain Trench?—I have no hesitation in saying, and I am almost as sure as a man without knowing could be, that they would. I wish to qualify that. I did hear of some man who was mentioned; some stubborn old man, who said that nothing would induce him to vote for Captain Trench, and I think he was a tenant of Lord Clanciarde's; but with the exception of that one case, I do believe that the vast majority would have voted; I have no reason to believe that the whole of them would not have voted unless there had been a few such cases as I say.

5236. You say you have not spoken with Captain Nolan or Mr. Sebastian Nolan since the election?—Not one word has passed between us since the election.

5237. Have you met them since the election?—I have.

5238. Why did you abstain from speaking?—I abstained from speaking to Captain Nolan from the statement which he made upon the day of the declaration.

5239. What was that statement?—The statement which he made in his speech, returning thanks for being elected. He stated that a parcel of gentlemen Catholics stood in the grand jury box on the day of the nomination, and that they heard him introduce the name of the Pope amidst rounds of Keeshick fire.

5240. Was there a pettice of foundation for that statement?—Not one particle.

5241. That any such manifestation proceeded, either from Catholics or Protestant gentlemen in this court-house?—Not one particle.

5242. This was the speech made after the declaration of the poll?—It was when he was declared Member.

5243. You, as a Catholic gentleman, felt hurt and annoyed at that statement?—Most hurt.

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5244. Did

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5244. Did you believe that such a declaration was calculated to excite ill-feeling towards you?—Yes, I did, I believed it was calculated to excite an ill feeling towards the Catholics who happened to vote against him and not the Protestants, as if they had a latitude to do it, but as if we should not have attempted to do it.

5245. You were asked with respect to having witnessed fights at fairs, and whether you may have seen more blows struck; those were, I suppose, faction fights?—Faction fights.

5246. Where there are two sides to it, but in all the proceedings which you saw through this county prior to this election calculated to excite alarm or intimidation, as you have mentioned, did you see any opposing violence whatever on the part of the supporters of Captain Trench?—Not the slightest.

5247. So that if mob law prevailed it was all one way?—All one way.

5248. On the nomination day you were in this court?—I was.

5249. Did you witness any violence on the part of reverend gentlemen on that occasion in the court-house?—Well, nothing very unusual;

there is always a latitude allowed; but going down to the court-house that day, when I was in the crowd, Pat Barrett shook his head at me, and said, "There is Parnes Joyce that sold his religion."

5250. That, I suppose, you know to be the same person to whom allusion has been frequently made here?—It is the very same man.

5251. The man who was the Athlone station master for some time?—Yes, I know him for these 20 years.

5252. You were asked with respect to public meetings, did you read the resolutions passed at some of those public meetings?—I did.

5253. Have you read the resolutions stigmatising any person who should vote for Captain Trench as a renegade Catholic?—I have read the resolutions, but I really forgot the purport of them.

5254. Do you think that those resolutions would affect the minds of the ordinary farmers voters of this county?—I should think so; I am sure their minds were affected by them, and most terribly affected.

[The Witness withdrew.]

Lord DELVIN, sworn; Examined by Mr. Parnes.

Lord Delvin.

5255. I THINK you reside in this county?—I do.

5256. And you are the eldest son of Lord Westmeath?—I am.

5257. What chapel do you attend?—At Cappataggle.

5258. Did you attend at Cappataggle chapel last January?—I did.

5259. Who was the clergyman who usually officiated?—The Rev. Mr. Byrne.

5260. Did the Rev. Mr. Byrne, in the month of January last, allude to the election?—He did.

5261. Did he allude to it on more than one occasion?—He alluded to it on two occasions when I was in the chapel; but he alluded to it at other times, when I absented myself simply and solely because he officiated.

5262. On the first occasion you heard him speak about the election, will you tell us, as well as you remember, what he said?—He said that there was to be an election, and that Captain Nolan was the elected of the bishops and the priests, and that the people were to vote for him. I do not remember distinctly the words on that occasion; but the next time I happened to be in the chapel, I wrote notes on the occasion, immediately on coming from the chapel.

5263. Have you those notes in your possession?—I handed them to Captain Trench, who can produce them. (Some papers were handed to the Witness.)

5264. Will you read them to yourself?—I have done so.

5265. Will you tell us the substance of what the reverend gentleman said on that occasion?—He began by stating, "I shall not detain you long to-day, as I intend to go to Ballinasloe to attend a meeting for Captain Nolan?—He then stated—

5266. Mr. Macdonagh.] You may read it out?—I shall not detain you long to-day, as I am in a hurry to go to Ballinasloe. Only about one in forty people had votes, and it behooved that that one should be responsible to the thirty-nine

for his vote, and the majority should take care that they were properly represented; he said that he did not think there were any Catholics in the chapel who, left to themselves, and the dictates of their conscience, would give a vote which would leave a brand on them and their children for ages; that some Catholic (Catholic, indeed! they did not deserve the name of Catholic) landlords had adopted Trench, no doubt wishing to benefit themselves and their families hereafter."

5267. Mr. Parnes.] Is that as well as you recollect what the reverend gentleman said?—To the best of my recollection, and on my oath, that is what I remember. I may state that every time I have gone out, I have been hooted at and shouted at, and even as late as last Palm Sunday I happened to attend chapel at Kilsnoe, near where the reverend gentleman lives, and the people turned out and shouted at me; even a fortnight ago I sent my children out to drive, and they were shouted and hooted at.

5268. Mr. Macdonagh.] Were you present?—I was not; but they reported it to me when they came back.

5269. Mr. Justice Keogh.] You must not say what you heard?—Can I state that I was afraid to allow my children out on the road, and I gave the same orders not to take them on the road?

5270. Mr. Parnes.] Do you attribute that state of things to the excitement and agitation which took place at the time of the election?—Simply and solely to that, and to no other cause in the world.

5271. Have you ever experienced things of this sort before?—Never.

Cross-examined by Mr. Macdonagh.

5272. Will you be good enough to tell me whether you wrote this paper in the chapel?—I did not. I wrote it immediately after I came back.

5273. You

5273. You are a Roman Catholic gentleman?—I am.

5274. How soon after you had written this paper did you give it to Captain Trench?—I gave it to Captain Trench last Thursday, the first day I came in and attended in this court.

5275. Was the whole of this written on the same day?—Except just at the end where you see this.

5276. I do not think you read the whole of it?—I did not put the "Rev. Mr. Byrne;" I put "Mr. Byrne." "To attend the Home Rule meeting which took place that day." That was written since by myself. You see that there is an asterisk to it to show that Captain Trench should understand what is meant by "going to Ballinasloe."

5277. When did you write this species of postscript?—I wrote it before I came into Galway at all.

5278. Was it on last Thursday?—I could not tell you when it was.

5279. Is your memory a very good one?—Pretty fair.

5280. You cannot tell me when you wrote that postscript?—I cannot tell you the day, but it was before I came into Galway.

5281. Was it three days before?—I really could not tell.

5282. Or a week before?—It might be a week or it might be ten days; it might be three weeks.

5283. However it is no part of the original notes?—It is no part of the original notes. You see it is written in a different ink, or at least it is written at the same table at Eastwood that the other part of it was written at, and I have seen nobody else; and I may say that I have seen none of my family since that. Sickness has been in the house.

5284. I am sorry to hear it; I am not asking you about your family?—I do not know what you are asking me about that postscript fir.

5285. But this was the part which you wrote after coming home from chapel on that day?—Yes, it was.

5286. And at what time was that written in in January?—I think it was on the 14th, on the Sunday; I am not sure about the date. If it is on the 14th, I think that is right.

5287. After returning home from chapel?—Yes.

5288. Did you look it up in your drawer?—Upon my word I could not tell you what I did with it.

5289. When did you take it out again?—Again, I cannot tell you.

5290. Who wrote the black ink the "Rev. Mr.?"—I do not know.

5291. Was it in that state when you gave it to Captain Trench?—No.

5292. Then the "Rev. Mr.?"—I suppose that was put in since I gave it to Captain Trench.

Mr. Sergeant Armstrong stated that that was done simply to identify the person.

5293. Mr. Macdoregh (to the Witness).] It was not put in by your authority?—It was not, but I suppose as he is a reverend gentleman, it was put in as such. It was a mistake on my part not to put the "Rev."

5294. At all events you did not do it, and you do not know who did?—I do not.

5295. When did you put in the words "To attend the Home Rule meeting which took place that day"?—Before I left Eastwood.

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5296. Before you left your country place?—Lord Dealin. It is not my country place.

5297. Where you live?—Where I live.

5298. What do these two lines that are there mean, "To attend the Home Rule meeting"?—That means that he said, "I shall not detain you long to-day, as I am in a hurry to go to Ballinasloe." I put down that that was a Home Rule meeting when I handed that paper to Captain Trench to explain what that going to Ballinasloe meant.

5299. Did the reverend gentleman say what is in those two last lines?—He did not; it is not part of what I want to be evidence.

5300. That is by way of being explanatory of his meaning; is that so?—It is. I never attended one of these meetings; they were generally called Home Rule meetings.

5301. But what I want to get from you?—If you would ask me so that I could understand you, I would tell it you, upon my oath, as fairly as I could.

5302. I am asking you very quietly?—You are indeed, and I am answering you as quietly.

5303. Is not the construction this, that the two last lines were not uttered by the reverend speaker?—They were not uttered by him, and I said so before, I think.

5304. I will ask you, for the last time, can you remember how many days before the time when you gave this document to Captain Trench it was that you wrote the postscript?—If I could have answered you at first, I would have done so (the document was headed fir).

5305. Were you at the Loughrea meeting?—I was not; I attended nothing; I had no vote; I took no part or parcel in the election.

5306. As to the Loughrea meeting to which I refer, was that held in Lord Clanricarde's rent office?—I do not know where it was; on my oath, I cannot tell you where it was held.

5307. Your word is enough?—I am on my oath, and so I said so.

5308. Do you clearly understand that it was the Loughrea meeting held when Lord Clanricarde was there, and not one of those public meetings?—I know nothing about the meeting. There is a little evidence which I would like to give regarding a speech which the Rev. Mr. Lavelle is reported to have made at Milltown.

Mr. Macdoregh objected to this evidence being now volunteered by the Witness.

Mr. Justice Keogh allowed the objection, but said that if the Witness communicated what he wished to state to some of the parties, they might probably think it advisable to ask him questions upon the subject.

5309. Mr. Macdoregh (to the Witness).] Do you remember Mr. Byrne telling you that if the contrary adopted Captain Trench, he certainly would not be supported by the people?—He may have said so to me; I don't remember it.

5310. It is quite enough when you say that you do not remember it.

Re-examined by Mr. Perce.

5311. Is there any other matter of importance bearing upon this inquiry that you think it right to state to his Lordship?—I think there is. With reference to a report which was published in the "Tassam News," of which I have got copies here, the Rev. Mr. Lavelle stated—

2 3

5312. Mr.

Lord Delain.

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5312. Mr. Macdonagh.] Were you present when he stated it?—It is a report in the papers, and I will bring the paper up here if you like, and read it for you.

Mr. Macdonagh objected to the reception of this evidence.

Mr. Justice Keogh said that the Counsel for the Petitioner had better look at the paper, and ascertain something particular from it, but that he could not admit a general statement of this kind.

(*The Newspapers were handed to the Learned Counsel.*)

5313. Mr. Perse (to the Witness).] As a matter of fact, I believe you stated that you are the son of Lord Westmeath?—Yes.

5314. As a matter of fact, did you, or any one of your brothers, to your knowledge, distribute circulars among Lord Westmeath's tenants threatening them that they might expect notices to quit if they did not vote as their landlords

wished?—I was not there, and I never distributed anything.

5315. Now anyone to your knowledge?—Not anyone to my knowledge. Notwithstanding that report there is another speech in which Mr. Lavelle stated—

Mr. Macdonagh objected to this evidence.

Mr. Justice Keogh said he presumed that Mr. Macdonagh would not object to Lord Kelvin's contradicting any imputation upon himself.

Mr. Macdonagh stated that he had no such objection, but that he objected to the newspapers being put in.

5316. Mr. Justice Keogh (to the Witness).] To save time, is there any imputation upon yourself which you are anxious to contradict?—That is the only imputation.

5317. Then it is now contradicted that you circulated any notices among the tenantry?—It is.

[The Witness withdrew.

After an Adjournment.

Mr. BERNARD BRENNAN, SWORN; Examined by Mr. Sergeant Armstrong.

Mr.
B. Brennan.

5318. WERE you a poll clerk at the last election?—I was.

5319. Were you at this court?—No, in the other court.

5320. Do you remember a man of the name of John Dooley coming up; is that in your handwriting; is that the poll-book of which you had charge (*handing the same to the Witness*)?—It is.

5321. You were acting on behalf of Captain Trench?—Yes.

5322. Do you see an observation in your own handwriting?—I do.

5323. Read it?—"Vote objected to;" this vote was taken down at the time by me by the desire of Mr. Conneen.

5324. Was it taken down truly?—Yes, "Vote objected to. Go back, Tom, and tell your master and mistress to keep in for the future. She was the only woman who went about the country looking for votes. She threatened to take his land from him." Father Conway having made the above observations, the agent for Captain Trench called upon the sheriff to remove Father Conway.

5325. Mr. Justice Keogh.] What occurred about some voter?—It was John Dooley.

5326. Mr. Sergeant Armstrong.] Read what Father Conway said to John Dooley?—"Go back, Tom, and tell your master and mistress to keep in for the future. She was the only woman who went about the country looking for votes. She threatened to take his land from him."

Mr. Justice Keogh.] Did John Dooley go back?

5327. Mr. Sergeant Armstrong.] Did he vote at all?—He did not.

5328. Mr. Justice Keogh.] "Vote objected to?"—Yes; this observation was not against John Dooley's name.

5329. Mr. Justice Keogh.] To whom was it made?—John Hansen.

5330. Was he a tenant of the Burkes?—I do not know.

5331. Mr. Sergeant Armstrong.] Was it about Hansen that the observation was made?—Yes.

5332. With reference to Thomas Hansen and to Thomas Hansen's face, did Father Conway use the words there recorded?—He did.

5333. In open court?—Yes.

5334. And was the sheriff then called upon to remove Father Conway; is that true?—Yes.

5335. Did Father Conway, about the same time on that day, apply anything about other landlords; shoneens?—He did.

5336. What was it; in open court?—A man named Hackett, from Headfort, came up to vote, and he said "Here is a man who is connected with half the shoneen landlords of the county Galway, and the flats who keep their house warm for the mortgagees."

5337. Where was he then?—Directly over me; he had his legs across my back; he was sitting at the seat above me, with his legs each side of me.

5338. Hanging?—Yes.

5339. And your head was fixed between his legs?—Yes.

5340. Mr. Justice Keogh.] Is that the usual way in which the sheriffs' deputies stand in this county?—Yes.

5341. In fact he was on your shoulders?—He was. I told him that I could not take the poll; I was very crowded.

5342. Mr. Sergeant Armstrong.] Was he embarrassing you with his legs in that way, when he made use of that expression?—He was.

Cross-examined by Mr. Macdonagh.

5343. Were you in the employment of Captain Trench?—Mr. Conneen employed me.

5344. And paid you, I hope?—No.

5345. You are to be paid yet?—I suppose so.

5346. And this book was what you kept for the benefit of Mr. Trench; checking?—To keep a proper record.

5347. This was a check poll-book?—Yes, for Mr. Conneen's information.

5348. And

5348. And not the poll-book for the county. Did you give your evidence that this observation of Father Conway was addressed to John Dooley?—No.

Mr. Sergeant Armstrong.] That was a mistake of mine.

Witness.] "Vote objected to" was written; the first observation there refers to John Dooley, whose vote is erased from the book.

5349. And who was rejected upon the ground of objections stated?—Yes.

5350. And the official struck it out?—I struck it out. That applies to John Dooley.

5351. Thomas Hannan's vote, to whom, as you now state, Father Conway addressed himself, was taken and received; is not that so?—It is.

5352. Then Thomas Hannan came up to vote and Thomas Hannan recorded his vote?—He did.

5353. For whom did he vote?—For Captain Nolan.

5354. Were you in that agreeable position which you have described to his Lordship when you recorded that vote?—I was.

5355. Was it after the vote was recorded that Mr. Conway addressed him?—It was.

5356. Who were his master and mistress that he spoke of?—I do not know.

5357. You do not know to whom he alluded?—No, but I was called upon by Mr. Constance to take down what he stated.

5358. "Go back, Tom, and tell your master and mistress to keep in for the future. She was the only woman who went about the country looking for votes. She threatened to take his head from him." Father Conway having made the above observations, the agent for Captain Trench called upon the sheriff to remove Father Conway. Did you also suggest that he should be taken from your shoulders?—No.

5359. Was he removed?—No, he left voluntarily.

5360. And you were very glad, I suppose, to get released?—Yes.

5361. Are you a Roman Catholic?—I am.

5362. You were delighted with a priest on your back?—I would rather not have him there. 5363. Mr. Manderstun.] I may tell your Lordships that the vote which was erased had been given for Captain Nolan.

[The Witness withdrew.

Dr. THOMAS BLAKE TURNER, sworn; Examined by Mr. Murphy.

5364. Are you a Medical Doctor residing in this county?—Yes.

5365. Are you a relative of Mr. Charles Blake of Tunn?—I am his brother-in-law.

5366. Do you recollect the day when you heard of the death of Mr. Denis Kirwan of Castle Hackett?—Yes.

5367. Did you proceed to Castle Hackett on that day?—I did.

5368. Did you find that Mr. Kirwan had died before you arrived there?—I did.

5369. On your return from Castle Hackett do you recollect meeting with the Rev. Mr. Conway?—I recollect passing him on the road.

5370. Had you known Father Conway previously?—I had.

5371. Had you known him to speak to him; had you met him?—Yes.

5372. Were you riding or driving?—I was driving.

5373. And he was also driving on a car?—Yes.

5374. There were some gentlemen, I believe, with him whom you did not know?—Yes; two gentlemen.

5375. Did he speak to you when you met him?—He did; he asked me was this true what he heard of Mr. Kirwan.

5376. Tell me the exact words which he used?—He asked me was it true what he had heard with respect to Mr. Kirwan; I said, "It is; Mr. Kirwan is dead."

5377. Tell me, now, as well as you can, the exact words which he addressed to you; tell it as if you were speaking; say it in the words in which he said it to you, as well as you can recollect?—He said, "Is this true what I hear of Mr. Kirwan?"

5378. What did you say in reply?—"It is; Mr. Kirwan is dead."

5379. What was his reply to that?—"I am sorry for it; we shall have plenty of out-door relief now for the poor; I hope he will not want it himself."

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Mr.
E. Brennan.
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5380. What did you say to that; I said, "Ob do not say so; he was a good man."

5381. Did he make any observation after you said that he was a good man?—He said, "He might be a good man for you, but he was a bad man for the poor."

5382. I believe you then passed on?—I did; I passed on as fast as I could, away out of earshot.

5383. Were other words used by him which you did not catch?—There were.

5384. Were you able to catch any of them when you were within earshot?—Not one.

5385. Did you hear him continuing to speak when you had driven off?—Yes.

5386. Was he speaking in a loud tone?—No, not louder than the other.

5387. Not louder than the conversation which had been maintained with you?—No.

5388. You shortly afterwards met Mr. Blake?—I did.

Cross-examined by Mr. Manderstun.

5389. I believe that this occurred after the election?—Yes.

5390. How long after the election?—The day of the death of Mr. Kirwan.

5391. Was it about a week afterwards?—No; I think that it was the 19th of February that Mr. Kirwan died; I am not sure.

5392. The 19th of February?—I am not quite sure of the date.

5393. Is it not true that Mr. Kirwan and Father Conway had been on bad terms about out-door relief?—I think that they had, so far as out-door relief was concerned.

5394. For some time previous to the election, had they not been on bad terms with respect to poor law matters?—They had.

[The Witness withdrew.

MR. JAMES DALY, sworn; Examined by Mr. Perce.

Mr.
J. Daly.9 April
1872.

5395. I BELIEVE you are a proprietor in this county?—Yes.

5396. I believe that you have a private chapel in your grounds?—Yes.

5397. During last January, did you yourself attend at your chapel at Castle Daly on any Sunday?—I did.

5398. I believe the Reverend Mr. Kemmy usually officiates there?—Yes.

5399. Do you remember on any Sunday in January, or any Sunday preceding the election, the Reverend Mr. Kemmy making any allusion to the election?—He never made any allusion, excepting one Sunday, the Sunday before the election; he said that the polling day was on such a day, and that he wished all the voters to go; he only spoke on one Sunday, namely, the Sunday before the polling day, and he said that he recommended the voters to go in and vote for Captain Nolan. That is all that he said on one occasion.

5400. Did he say anything more with reference to the election except that?—No.

5401. Did you attend at Castle Daly chapel on last Easter Sunday?—I did.

5402. Did the Rev. Mr. Kemmy make any allusion to this Petition then pending?—He did.

Mr. Macdonagh.] Does not your Lordship think that you have ample matter to try without going into this?

Mr. Justice Keogh.] In the Mayo Petition case of 1857, I see that the Committee received evidence of what was passing in the county of Mayo pending the very hearing of the Petition. You have yourself more than once referred me to the fact, that

except where a special alteration is made by the Act of Parliament, or by the rules of the Court, I must be guided, so far as can be, by the practice of Parliament.

Mr. Macdonagh.] That is so, my Lord.

Mr. Justice Keogh.] Is any not he worth a farthing, one way or the other, but it may have a bearing upon the case, and I therefore cannot shut it out.

5043. Mr. Perce (to the Witness).] Did he allude to any witnesses who were about to give evidence on this proceeding?—He did.

5404. What did he say?—He said that he understood that there were two or three witnesses who were going on to give evidence against him, and that it would turn out that that evidence was not correct, and that he would bring five or six of the most respectable witnesses who were attendants at his chapel, to disprove what they said, and that if he found them guilty of perjury, he would prosecute them, and have them sentenced to penal servitude if he succeeded.

Mr. Macdonagh.] We shall not cross-examine this gentleman at all.

[The Witness withdrew.

Mr. Higgins.] My Lord, the Archbishop has found the papers which were asked for, and it would be a great inconvenience to keep him.

Mr. Justice Keogh.] I am sure that it would. Show them to Mr. Sergeant Armstrong, and show them to me.

MR. WILLIAM JOSEPH BURKE, sworn; Examined by Mr. Sergeant Armstrong.

Mr. W.
J. Burke.

5405. ARE you a resident proprietor in the county Galway?—Yes.

5406. And a Catholic by religion?—I am.

5407. Were you a supporter of Captain Trench at the last election?—I was not a supporter of either party; that is to say, I was not an active supporter of either party.

5408. You took no active part?—I took no active part.

5409. Who is your parish priest?—The Rev. Peter Conway.

5410. Of what parish?—We call it the parish of Chren; it is sometimes called the parish of Headfort.

5411. Did he on different Sundays previous to the election, and after the election, address the people from the altar with reference to it?—On several Sundays previous to the election, he did address the congregation. I was only there on one Sunday since the election.

5412. Can you give me the first Sunday when you were there at which he spoke about the election?—It would be impossible to state when it took place; but it was very long before.

5413. State the substance of what he said?—On that occasion (I think it was the first occasion on which he spoke concerning the election), he stated that at the last election he stood amongst the clergy of the county almost alone, as a sup-

porter of Captain Nolan (I do not profess to give his words); that he was proud to say that on the present occasion he was not alone, for that the Archbishop and the great body of the clergy were now supporters of Captain Nolan.

5414. Did he say anything of the Bishops?—I cannot tax my memory whether he did or did not at that time; and he said that the landlords, he understood, were going about making gutter agents of themselves, and that he would not bear. He spoke from the altar. That is all that I recollect on the first Sunday.

5415. Had he his vestments on?—Yes. It was just after the Holy Communion.

5416. Were you there on another Sunday after that?—The next time with which I can tax my memory was not in that church, but in another church in the same parish, the church of Headfort; and I never heard anything more insulting to the landlords.

5417. Mr. Macdonagh.] State what he did say?—All that I can recollect, is this; what I have first stated is the substance. He stated that on some night during the previous week, or some little time before, he and Captain Nolan had been going into some village in the neighbourhood; it was dark, and the manner in which they were received was exceedingly satisfactory to him; he stated that the people had come out;

I forget

I forget whether with wigs or with bonfires: but that at all events they had escorted him through the village, and he then went on to say on immense deal: I cannot remember the words, but at last he ended with words which I never could forget; that he trusted that the day would arrive when a landlord who would interfere with his tenants would be hung up by the neck, which would be too good for him, but by the heels.

5418. Was that said with his vestments on?—Certainly, at some part of the mass.

5419. Will you state anything which you heard him say under like circumstances at the like time, on the last Sunday before the voting?—On the Sunday immediately preceding the election?

5420. Yes; that would be Sunday the 4th of February?—Yes; on that occasion he had not his vestments on, and he did not preach after mass: he spoke after mass was quite over.

5421. From the altar?—Yes, at the top of the altar steps. What he said on that occasion was that the battle was now won; that everything depended on the conduct of the voters the next day; that their conduct must be peaceful; that they should offer violence to no man; that they should be canvassed by anyone who chose to canvass them; and that they should be very respectful to their landlord if their landlord came; and he said (I recollect the words; I cannot forget them,) "If your landlord comes to you, you should say, 'Your honor is welcome,' or 'Master, you are welcome,' or in whatever way you address him, if he says to you 'Oh, I want your vote,' say to him, 'Your honor will have my vote for sure; your honor is always on the right side, and I think that we are sure to win.' The landlord will say 'Well, I hope so, and we start at such an hour to-morrow.' 'Oh, but your honor, we do not start at that hour, the voters are going up for Captain Nolan at such a time.' The landlord will say 'Oh, but I do not support Captain Nolan.' 'Then your honor does not support Captain Nolan; you may do anything with me, but I cannot support Captain Trench,' and if your landlords lay hands upon you, tumble them, knock them down, and if you are not able to do that, call in your neighbours and let them help you." Father Peter Conway is the man who said "This is the law, and I will prove it to be the law"; and he went on to say (which raised great laughter in the chapel, "If your priest does the same, knock him down too."

5421*. That caused laughter?—Great laughter; it was all said in Irish. Then after that he said, that the voters were to meet him on the following day, and he would escort them into the town.

5422. Did he use any epithets towards the landlords?—Yes; he called them shoneens. He said that people need not be the least afraid of them now; that no landlord would make his voters vote, and that they need not be afraid of the magistrates, for that a resident magistrate had come down who would supersede all their power for three days. That is the substance of it; I cannot remember another word.

5423. Was there a great deal to the same effect; were the addresses considerably longer than you have taken to give the substance?—Very long sermons, if you can call them sermons; he sometimes turned into English what he said in Irish, but I do not understand Irish; but he put his finger upon his mouth and said, "I

remember playing when I was a boy," putting his finger into his mouth, and he said "You dare not lay a wet finger on me"; I recollect those words in addition to what I have already said.

5424. On the next Sunday, after the election, do you recollect anything?—Yes.

5425. Will you state what he said with reference to what had happened?—He began by saying that the Church was always exceedingly proud of being able to praise the conduct of her children, and that it was in that point of view that he then addressed them, with reference to the occurrences of the previous week; he said that everything had been done with extreme quiet, that their conduct had been admirable.

5426. Did he say anything of the landlord of the parish?—Yes; he stated that the Government had sent down military to keep order in the parish, and that it was wholly unnecessary, and then he said, "And whom do you think they also sent? they sent a doctor" (this was a military doctor), "all the way from the Curragh of Kildare with his hut, and his old linen, and his landings, and his instruments to squanch the blood which they thought would be shed by the Little Catholic-Orange landlord of the parish," and a few moments before that he said, that the people's quiet during the preceding week was very much to be praised, inasmuch as they had the greatest provocation from three Catholic landlords in the parish; he hesitated, and said that he would name them, the landlord of Cloyer, the landlord of Ower, and the landlord of Craig.

5427. Who is the landlord of Cloyer?—Mr. Lynch.

5428. You are the landlord of Ower?—Yes.

5429. And who is the other?—Mr. Blake; he does not live in the parish, but I believe that he has a property there.

5430. Did you offer any coercion to your tenants at all?—I asked my tenants to stay at home; I told them that I was myself staying at home, and was voting for nobody, and they promised me that they would stay at home and vote for nobody; afterwards I sent for them, when I found by hearsay that they had been tampered with, to have a conference with them, and I had a conference with them.

5431. What was the substance of it?—They declared that they would vote for Nolan; one of them said to me, how could I prosper if I opposed the priests? Another said that I had no right to ask for anything, but my rent; I had often heard it said from the altar, by the Reverend Mr. Conway, that I had no right to ask for anything but my rent. I told them that I knew that I had no legal right to anything but my rent, but that I had never looked at landlord and tenant as creditor and debtor until then.

5432. Had you ever exercised any coercion towards them previously?—No, on the contrary, I told them that they were perfectly at liberty to stay at home.

5433. Are you able to say whether it is attributable to any cause that the country was in a very excited and disturbed condition during the election?—I never saw it in so excited a condition; on those Sundays in the chapel, the people seemed to be boiling over with excitement, they were literally mad.

5434. Did the Reverend Father Conway himself speak in an excited and warm way?—In a most excited way; it was simply impossible to be more excited on several occasions.

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5435. Were these addresses of his received with emotion, or sensation by the congregation?—Great sensation.

5436. You have stated the extent, to use his language, of the great provocation which your tenants sustained at your hands?—I have stated it to the fullest; I gave no provocation.

Mr. Sergeant Armstrong.] I quote his language.

Cross-examined by Mr. Auldent.

5437. I believe that Father Conway and you had not been on particularly warm terms for some time before the election?—Indeed we had not been.

5438. You do not attribute, I fancy, to the election everything which Father Conway has been doing for some time past?—What I have spoken is attributable to the election, but his feelings towards me are not attributable to the election.

5439. You say that Father Conway stated that some of your tenants said that they would vote for Nolan?—Yes, on the second occasion, some, but not all.

5440. And some of them said that you had a right to receive their rent and nothing more?—Yes.

5441. And I suppose that you have received your rent?—Yes, they pay me very punctually.

5442. You do not think that you have any right legally to complain of the tenants having that position?—Certainly none; but I have not been dealing with them merely as regards rent, I have been doing them a thousand kindnesses and I might expect from them a favour.

5443. You are a barrister yourself?—I am a barrister, but no lawyer.

5444. As a matter of law, do you agree with Father Conway that the landlord would not have a right to lay a wet finger upon his tenant against his will?—Certainly, but there are two ways of of saying a thing.

5445. But, as a matter of law, was not Father Conway right in what he said?—Yes; but he was not in a court of law when he said it; as a matter of law no man has a right to insult another.

5446. Father Conway advised the people to be quite decorous at the election?—Yes.

5447. Do you not think that he was serious in giving that advice?—I think that in one sense he was serious, namely, because he knew that violence would upset an election; but his language and his context was to inflame the people to violence, and the wonder was that they were not actually violent.

5448. You are a barrister, and you say that you believe that the object of Father Conway was to secure a safe and quiet election?—Yes.

5449. Do you now say that he used words which had the effect of inflaming the people to violence?—Yes; this two things are perfectly consistent; he advised them to pause, because violence would upset an election, but at the same time he produced excitement by his words which it was impossible to suppress.

5450. Do you mean that he so inflamed the people that they could not but be disorderly?—Not by his words.

5451. He was perfectly serious in wishing the people to be quiet?—Certainly, so far as that goes.

5452. And you think also that, remembering the party to which he belonged, he was taking means to prevent anything like disturbance on the polling day?—Sir, certainly; it was his wish to prevent that.

5453. And if any violence or disturbance occurred at Headfort would it not be extremely likely that Father Conway would disapprove of it?—I certainly think that he would disapprove of it if it would upset the election.

5454. As a barrister, you know that it would be likely to tend to that?—Certainly; but you are only directing your remarks to one portion of what he said.

5455. I am only directing my remarks to one portion of your evidence; I am not directing your attention to any other part of it at present; had Father Conway any consultation with you about securing the peace of the district?—He had; he had a curious consultation.

5456. You are a magistrate?—I am.

5457. Did he ask you to take informations?—He did.

5458. Did he ask you to take informations against Mr. Trench's mob?—No.

5459. Was it against his own people that he asked you to take informations?—I have a copy of the informations in court.

5460. Tell us the contents?—I was in Headfort, and several magistrates were there, because there was a dispensary meeting on that occasion, and he singled me out as a magistrate. We were not on speaking terms; I said, "I am at your service." He said, "I want you to swear an information." I said, "I am quite ready to take it;" I said, "Is it drawn up?" He said that it was not drawn up, but that he had left it with the petty sessions clerk. I said, "I shall be in that neighbourhood within a few minutes." I went up; nothing had been done, and Father Conway said, "I want to draw up a declaration with reference to a suspected breach of the peace." I said, "I am quite ready to swear it; against whom are you going to swear?" He said, "You will know that at the proper time." I said, "You might as well tell me at once, for I shall know it in a few minutes." I now speak from memory; he said, "The Reverend Peter Conway states on oath—"

5461. Have you an exact copy?—Yes, I kept a copy of it, for I could not know what the meaning of the proceeding was, and I kept a copy of it at the time; he knew that I kept a copy. This is in my writing: "The information of the Reverend Peter Conway, P.P. Clonsilla, who sits on his oath, from informations I have received, I fear a most serious breach of the peace will take place unless legal steps are taken to prevent same at once, in consequence of a man named Pat Newall, bailiff of Mr. St. George, last night going about my parish looking for men to act as mobs, to prevent the voters to act according to their consciences and who would be paid for so doing, and going into the house of Thomas Lee, of Kinnifferry, last night, and creating great disturbance there, which, were it not for the advice I gave them, would positively take place; besides, it has come to my knowledge that gentlemen have desired their voters not to go to the poll if they were to vote for Captain Nolan, and this also, from what they told me, is calculated to disturb the peace, so they are prevented thereby to exercise their free will in the selection of a candidate to represent them in Parliament."

liament." That was all; at the first it only went so far as to say, that unless steps were taken to prevent the same there would be a breach of the peace, without giving the name of anybody; and I said, "Mr. Conway, I am here ready to preserve the peace, but you must tell me where, and how, and to whom such is threatened; I will arrest any party who is likely to do harm;" and he then put down the name of Pat Newall, and he added this part about Pat Newall. I asked him, "Were you present?" he said, "I was not present, but I will tell you what took place." I said "I can only take your evidence to the extent that you have heard this; but I shall be in town for the next hour, or half hour, and bring to me Tom Lee or anyone who was present, and I will arrest the man; but I will not arrest any person upon hearsay statements."

5462. Did he ask you to arrest anybody?—No; I asked him whether he wanted police, and he said no, that he was able to keep the peace himself.

5463. What did he want?—I could not for the life of me make out other than naming parties.

5464. You refused to take the information?—I refused to take the information upon hearsay evidence.

5465. The reverend gentleman stated on oath that he thought that there would be a breach of the peace with reference to Pat Newall?—Yes.

5466. And you declined to take his information?—I asked him for their names, and he said, "I will be above board with you; you are one of them," and I said that it was rather hard to take an information against myself, and that I would not do it.

5467. Mr. Serjeant Armstrong.] Repeat that answer?—When Mr. Conway had this written down, "besides, it has come to my knowledge that gentlemen have desired their voters not to go to the poll," and the rest of it; I said, "You had better mention the names of some of those parties, that I may see what I can do with them." He said, "Mr. Burke, I will be above board with you, you are one of them;" and I said, "It is rather hard to expect me to take an information against myself; I am not bound by law to do it; and allow me to tell you that there is much more likelihood of a breach of the peace from your speech, Sunday after Sunday, than from me."

5468. Mr. MacDonnet.] Do you include the speech in which he asked the people to be quiet?—I include every speech.

5469. Do you include the speech in which he said that the Church praised the conduct of her children?—It was all over then.

5470. But before the election, he said that he sincerely wished the people to keep the peace towards their landlords; do you say that every speech of his incited violence and breaches of the peace; you are talking of breaches of the peace?—I see clearly that I have not made you understand me; undoubtedly his words were to keep the peace, and I feel sure that his intention was that the peace should be kept; but side by side with those words he used other words, and such sentiments, that in every class above the lowest he created great excitement.

5471. What did you do with the information after it was placed in your hands?—This is only a copy.

5472. What did you do with the original?—The original is in the hands of the sessions clerk.

5473. Has it ever since been in his hands?—I said—I

have no idea; I thought it a useless production, and therefore left it in his hands; I read the questions which I have now stated for my own protection; I asked for the production of any person who could give me any legal evidence, and I offered on the spot to take the informations of Lee, and of any other person who was present when any of the facts charged were done; I wrote that and read it to him.

Re-examined by Mr. Serjeant Armstrong.

5474. Do you recollect a man of the name of Thomas Hansen?—Yes.

5475. He had a vote?—Yes.

5476. Did the man tell you what the Reverend Father Conway said to him on the poll?—No; I heard it.

5477. I believe that Father Conway was prosecuted once by your father?—Oh, dear, no. I heard that stated. My father was connected with the celebrated Mayo election of the year 1857; he was a voter in that country, and on the Election Petition being heard by the House of Commons, the Election Committee—

Mr. MacDonnet.] My Lord, I object to that.

Mr. Justice Keogh.] He was asked on cross-examination whether there was any cause of quarrel prior to this election, and he is proceeding to say what it was about.

Witness.] The difference with Father Conway was this; that my father was attacked by a mob in the middle of where he was previous to the Mayo Election Petition. These facts appeared before the Committee, and the Committee ordered a prosecution; but my father did not prosecute him.

5478. Mr. Serjeant Armstrong.] Has there been a sort of coolness between yourself and Father Conway?—Yes; but not ever since.

5479. Upon the day when he applied to you to take this information and told you what you have mentioned, there were several other magistrates who might have taken the information?—Several.

5480. You have been asked your opinion as a lawyer; are you of opinion that there is any law for hanging a landlord up by the heels who asks his tenant to vote for him?—I would rather that you would not press that question.

5481. Mr. MacDonnet.] Was there a prosecution by the House of Commons?—The Committee of the House ordered a prosecution.

5482. Was there a prosecution?—Yes, before a jury in Dublin.

5483. Were you examined there?—No.

5484. Were any other members of your family?—Yes; my father and my sister; one of my sisters, I know, was examined.

5485. Was the man convicted?—No; like most party prosecutions in Dublin there was no conviction.

5486. And he has not been tried a second time?—No.

5487. Do you think that the memory of that has disturbed your feelings ever since?—Certainly not; we are very good friends.

5488. Mr. Justice Keogh.] You said something to this effect, that he trusted that he would see the day when a landlord who would interfere with his tenants would be hung up not by the head,

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head, for that would be too good for him, but by the heels?—Yes.

5489. Was it at mass that he said that?—It was; it was immediately after he had given the absolution, and before he read the lessons.

5490. Was he in his vestments?—Certainly.

5491. And the other vestments were not removed from the altar?—No.

5492. And he was after receiving Holy Communion before using those words?—Yes; I am not sure that he may not have used the words "unduly influenced," but the context was what I state.

5493. Mr. MacDermot.] Had he his vestments on when he said that the priests ought to be hung up by their heels?—No; he had his sou-

tane on. He did not say that. He first said that a landlord who would interfere with his tenants should be knocked down tumbling; and he followed that up by saying, "If a priest does it to you, do the same thing."

5494. Had he his vestments on?—No; that was on another occasion.

5495. Mr. Justice Keogh.] I understand you that on the occasion to which Mr. MacDermot referred, it was after prayers, and when he had got on his soutane?—Yes.

5496. Mr. Sergeant Armstrong.] Was the observation as to the priest followed by a great laugh?—I will not say a great laugh, but there was a titter.

[The Witness withdrew.]

Mrs. BARBARA BURKE, sworn; Examined by Mr. Murphy.

Mrs.
B. Burke.

5497. You are the wife of Mr. Burke, who has just been examined?—I am.

5498. Do you recollect being at your place of worship, at Hendfort, when Father Conway was speaking with reference to the election?—I was at Cloran.

5499. Did you hear him allude to it on more occasions than one?—Yes, on several occasions.

5500. Do you recollect about what time his allusions to it commenced?—I think that it was before Christmas when he first spoke.

5501. Were those allusions continued on every Sunday between that and the election, when you were at that church?—There were a few Sundays between that and the election, when I did not hear them.

5502. But on any Sunday when you were there, had you the privilege of hearing his allusions to the election on every day when you went there for worship?—Yes; there was one occasion when he gave a religious address, and he also spoke on politics upon that day.

5503. As a general rule, from the day when you first heard him, with the exception of this one Sunday, when you say that something about religion was introduced, was the subject of his discourse the coming election?—Yes, always.

5504. Are you able to recollect any portion of his discourse relating to the landlords?—Oh yes; he was always speaking of the landlords.

5505. Will you state the terms which you distinctly heard?—He always called them shoneens; the first time that I heard him speak of the election was before Christmas; he said on that day that at the last election he was almost the only priest who stood with Nolan, but that now he was happy to say that the archbishop, and the bishops, and the clergy, all follow his lead.

5506. Do you recollect anything which he said with respect to Catholics who might vote for Captain Trenoh?—Yes, he said a great deal. I could not remember all that he said, but I know that it was principally as to the landlords interfering; and he said that they should all go with Nolan, or something of that kind. There were parts of his discourse which I could remember better, when he spoke of the landlord of Craig.

5507. Did he refer to the landlord of "Ower," the landlord of Craig, and the other landlord?—Before the election he alluded to the landlord of Craig, and he told a story about his son, who was a militia boy, as he called him; he told some curious stories.

5508. You knew, of course, that by the land-

lord of "Ower," reference was made to your husband?—Yes; I do not think that he said "the landlord of 'Ower'" before the election, but it was immediately after the election that he mentioned the three names of the three landlords, but he always alluded to them, and I always knew that my husband was mentioned, and every one in the chapel knew it.

5509. On the occasion of his speaking, was it always from the altar that he spoke?—Yes; on the Sunday before the election he took off his vestments before he spoke.

5510. On the preceding Sunday did he do so?—On the preceding Sunday I was very glad of an excuse for stopping at home.

5511. Did you readily absent yourself from church because of what you heard there on preceding Sundays?—I should not have absented myself, except that I thought that he was setting a bad example, and I was very glad that it rained very hard.

5512. You have said that he took off his vestments on the Sunday preceding the election?—Yes; he told them on that Sunday that the "Tranckites" would not know how they were going to the poll, but that he knew, and he told every man, woman, and child in the parish, to go and see them off, and they all began to laugh, and they know well what it meant.

5513. They knew well what he meant by suggesting an escort to them?—Yes, and he said that some military had come at his suggestion. I heard him say, two Sundays before, that they would not have any military; but then he said that they called for the military, and he told them to be very sure to be very polite to the military wherever they saw them, and that when they came there they were to be civil to the military.

5514. When he desired them to be polite to the military, did he say anything with reference to any others?—I do not remember.

5515. On all occasions, with the exception of one, when you heard him alluding to the election, had he his vestments on?—He had. Two Sundays before the election he took off his vestments, and he said that he heard of spies being in the chapel; but I was not there on that Sunday.

5516. How far is your residence from the chapel?—About two miles, I should think; or perhaps about a mile and half.

5517. Was there any manifestation of feeling exhibited towards yourself on any occasion after these exhortations?—On the Sunday fortnight, I think before the election, or the Sunday immediately

directly before the election (I cannot remember which), there was a man called Keyes there, a processer, a summerer, and he was trying to get up a cheer, "a boy for Nolan," and he and a few boys of about 18 to 20 (there was a very large congregation waiting inside), both hands or stood together, when my husband and I were walking up the road, and they called, "Hoy for Nolan." I said, "There is not a voter among you," and they separated and began to laugh; they meant I think, at first—

Mr. Meenanagh.] Never mind what they meant.

5518. Mr. Murphy.] Do you know a man named Tom Hannen, a tenant of your husband's?—Yes.

5519. Do you recollect any report being brought to you of what was said to him at the poll?—I do not know that it was to him: I thought that it was to the people generally. When I first heard the report of what was said, I said, "Oh, it was nonsense, they could not send such a message."

5520. Had you ever gone among the tenants, or canvassed them in any way?—No; I think that if I had been interested, I should have done so, but I did not; in point of fact, Mr. Burke was not voting on either side.

5521. Had you, in point of fact, threatened that any man's land should be taken from him?—On the Saturday before the election, Mr. Burke sent for his tenants: some time before, he went and asked them for their votes, and they said that they would do whatever he did.

5522. Mr. Meenanagh.] Were you present?—No.

5523. Mr. Murphy.] Tell us about the interview that you had yourself a few days before the election?—My husband went for the tenants and they came; they were outside the door, and they were speaking so quietly that I thought it was a false report that they were all going for Nolan; it was a very bad day, and I went to the door and called them in; I saw them speaking to each other, and I said, "Oh, I suppose they are going away, they are breaking away;" I said that to myself. My husband said, "They are all going against me, except one of those tenants."

5524. What did you say then?—I said then to Tom Hannen, he was passing me close by, and I said, "Are you not afraid that Nolan will restore your lands to Tom Coen?" Tom Coen had been 40 years ago the proprietor of his land. I said, "Are you not afraid that Captain Nolan may restore your lands to Tom Coen?" and he said, "I am ready at any minute to give up my lands to my master." I said, "You know well that your master does not want your land, and will not take it if you offer it to him, but Captain Nolan may do it."

5525. That was the only threat which you held out to the tenants, namely, the restitution of ancient rights and privileges?—Yes.

Cross-examined by Mr. Meenanagh.

5526. I will ask you a very few questions; what Sunday was that dreadfully wet day when you did not go to chapel?—About a fortnight before the election.

5527. You went the next Sunday?—Yes, I went on the following Sunday; I asked my hus-

band not to go to the chapel; I wanted my husband not to go.

5528. The sun was shining vigorously I suppose the next day; did you ever hear of the charming Duchess of Devonshire, the best canvasser that ever was; did you ever hear the story?—I may have heard of it.

5529. She went to canvass a man who said that no money could tempt him, and he then said that if she would only give him one favour, he would vote for her, namely, a kiss; is Keyes, the processer, a tenant of your husband's?—No.

5530. Were they little boys that were with him, or were they grown young men?—They were grown young men.

5531. And it appears that they were going to get up a cheer for Nolan?—Yes.

5532. And you scattered them by your observation, "There is not a voter amongst you boys"?—Yes.

5533. And that was true?—Yes.

5534. You thought it true?—I thought it true.

5535. And they all began to laugh, and separated at all events?—Yes.

5536. That is all that occurred upon that occasion?—Yes.

5537. Tom Hannen was a tenant of your husband, and you know that he voted for Captain Nolan?—Yes, although he promised to stay at home.

5538. Were you present when your husband gave the direction that they should stay at home?—No.

5539. You were quite aware that he did give the direction that they should stay at home, were you not?—He expressed a wish that they should.

5540. What is the name of your husband's bailiff?—Pat Gannon.

5541. Was Pat Gannon the person who was sent for the tenants to come?—I think that he was.

5542. Was he there on the Saturday before the election?—I do not think that he was.

5543. The tenants were required to attend?—Yes, but he had no vote.

5544. Upon that occasion how many tenants assembled?—Some of them did not come; there was one tenant there who was loyal, and he came over to me, and said that for 14 generations he had been with the Barkers of "Oar," and would continue to do so.

5545. He was loyal, you say?—Yes.

5546. How many other tenants were there?—I think only three; some went to the market at Ballinrobe. Four tenants attended, and one was loyal, and some of the other tenants went to Ballinrobe.

5547. And then when you asked, "Are you not afraid that Captain Nolan will restore your lands to Coen?" you referred to some lands which this person of the name of Hannen had got from Coen, or after Coen?—Which he had bought from Coen.

5548. Had Coen been the original proprietor?—I had heard so.

5549. You had heard the story of Coen having had the land before that?—Yes.

5550. Had you heard that Coen had been evicted?—No, he was never evicted; he sold the lands.

5551. And went off to America?—No; his father had them a long time ago.

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5552. It was long before your time; you heard it?—Yes, I heard that he had parted with his lands to other tenants of the name of Hannen, who were voters. One of those tenants told me that Father Peter killed 17 of his sheep.

5553. I would rather get the whole conversation?—I have given the whole; he said a very few words.

5554. However, when you said "Are you not afraid that Captain Nolan will restore the lands back to Coen?" I presume that you referred to the Portcarron award?—Yes, I heard some of the tenants speaking of it.

5555. And then you used that potent argument with Hannen; was not it so?—It was not as an argument. If he had voted with Mr. Burke I would have said "You are a loyal fellow," or something of that sort.

5556. But he then immediately said, "I am ready to give up my land to the master?"—Yes, he said that to me, and then I said, "You know well that your master does not want your land, and would not take your land if you were to give it to him."

5557. When he used that expression, that he was ready to give up his land to your husband, did not you understand by that that you had intimated to him something about taking the land?—I do not think that Tom Hannen ever thought that my husband would take his land from him, as he thought that he was so easy that they were quite likely to go against him. I think that if he had been more strict they would not have gone against him, but would have stayed with him; I mean, if he had been more strict on previous occasions.

5558. Do you not think that when the man said that he was ready to give up the land to his master, he must have understood your suggestion about restoring Coen's land as intimating that there was some danger to his own?—He might; but I am quite sure that he did not think it.

[The Witness withdrew.

Mr. Sergeant Armstrong handed in a letter addressed by the Archbishop of Tuam, bearing date the 18th of December 1871, to

ELLEN BUTLER, sworn; Examined by Mr. Parnes.

E. Butler.

5559. I BELIEVE that you are a servant in the employment of Mr. Burke of Ower?—Yes, I am his housemaid.

5560. Do you attend the chapel of Charra?—Yes.

5561. Were you there on the last Palm Sunday?—I was.

5562. Is there, in that chapel, a pew usually occupied by Mr. Burke and his family?—Yes, there is.

5563. Will you describe the state in which you saw that pew upon last Palm Sunday?—I saw part of it broken off; as I was passing into the servants' pew; our own pew.

5564. What part of it was broken?—I could not tell, but I think it was the back part of it.

5565. Did you step over the broken part of it when you were going into your own pew?—I did; had to step over it because it was in our way as we went to our pew.

5566. Had it been broken the Sunday before, or the last time that you saw it?—No, I did not see it broken before.

the meeting held at Athlery on the 19th December, and also the manuscript original of the Archbishop's letter of the 20th of July 1871, to Captain Trench, as is appended afterwards in the "Freeman's Journal." "St. Jarlath's, Tuam: Gentlemen,—On the meeting to be held in Athlery to-morrow the attention of Ireland will be nationally fixed, since on its proceedings will in a great measure depend whether the electors at the coming Galway election will in reality be free and independent voters as the Constitution men, or only so in name, holding the franchise in trust for the exclusive benefit of their enemies, and ready to reduce into a state of servitude worse than that of the West Indian negro slave, from which it cost the people so many years of heroic struggle to emancipate themselves, and the entire tenant class of Ireland. [Some omission here.]

"True, the negro was not abused or insulted with the show of freedom, which he was well aware he did not enjoy, whilst the Irish slave wearing his mask of freedom was coerced to give his vote, for the purpose of prolonging his servitude and riveting more stringently his chains. I hope then that those who meet to-morrow in Athlery will enter fully into the great issue in their hands, and that by the fixed and uncompromising firmness of their resolves to assert their rights, as well as the dignified indifference of their tone, they will persuade the old enemies of the rights and prosperity of the people to retire in time and good humour from a contest in which they can gain nothing by persisting but humiliation and discomfiture. I have the honour to remain, Gentlemen, your obedient servant, + John, Archbishop of Tuam."

"Clifton, 26th July 1871.—The Archbishop of Tuam begs to refer the Honourable Captain Le Poer Trench, to a forthcoming number of the 'Freeman's Journal' for the answer to his communication, which reached the Archbishop only this day."

Cross-examined by Mr. MacDonnell.

5567. When did you observe the pew broken which you speak of?—On Palm Sunday.

5568. That is long after the election?—Yes.

5569. And is the pew so placed that people passing to your pew and other pews must step across it?—No, not if it were not broken off.

5570. Why did it being broken cause you to step across it?—Because we had to step across the broken part.

5571. What part of it was broken?—I could not tell; part of the back of it.

5572. How much of it?—There was a good piece of it.

5573. How much of it?—About that length [describing about a yard].

5574. Do you know how long the pew has been there?—I do not know; these many years I suppose.

[The Witness withdrew.

Mr.

Mr. EDWARD ROCKFORD, sworn; Examined by Mr. Serjeant Armstrong.

5575. You are a resident in this county, I understand?—I am.

5576. And a Catholic?—Yes.

5577. Is Gurteen your parish chapel?—Yes.

5578. And one of the priests is the Reverend John Deely?—Yes.

5579. Were you at Mass on the 21st January last?—I do not recollect the date.

5580. Was it a Sunday in January before the election?—It was.

5581. Did the Reverend Mr. Deely on that Sunday address the congregation from the altar in any way in reference to the coming election?—He did.

5582. Will you state to the best of your recollection what he said, and how he said it?—Well, I could not recollect his words.

5583. What was the substance of it. It was about the election. Now give us the substance as well as you can?—He told the people that he considered Captain Nolan should and ought to be the man, and that the people were all for him; and the clergy and he advised them to vote for Captain Nolan, inasmuch as he should and ought to be the man. That is what I understood; I could not think of his words.

5584. Did he say anything in reference to taking down the names of voters?—He did not, I think, but he took out a bit of paper after he addressed the people, and said he would take down the names of the persons who would vote for Captain Nolan.

5585. That is what I mean. Did any people then come forward as if about to give their names?—Yes; the fellows all cried out their names as they pleased. He told them there was no press upon them.

5586. Did he take down their names?—He did; seemingly he had a paper in his hand, and he wrote upon it.

5587. As the men gave out their names, or as he took them down, or as they spoke at all, did he make an exclamation?—There was an odd fellow was cheered.

5588. By him?—I do not know whether it was by him or not, but I know he was cheered.

5589. By him?—I think so; to the best of my belief it was.

5590. Had he his vestments on?—He had not.

5591. Was it after Mass?—It was after Mass.

5592. But he cheered some of them?—He did; I could not swear that it was he called out for the cheer.

5593. Were they cheered as they gave their names, some of them?—I know that he cheered for Lord Dunsandle.

5594. How did his Lordship's name come in there?—Well, I could not tell. There was one cheer for Lord Dunsandle, or something of that kind.

5595. Was it for Lord Dunsandle's tenants?—No, for himself.

5596. For himself or for his voters?—For himself.

5597. Do you recollect how Lord Dunsandle came to be cheered; was he present?—He was not.

5598. Then how was his name introduced?—Father Deely said something with regard to the tenants of Lord Dunsandle, and praised him as a

landlord, and said he hoped he would not interfere with them, or words to that effect.

5599. Did he say that he was letting his tenants vote as they liked?—He did not.

5600. What did he say, that he hoped nobody would interfere?—Yes; that they would not press upon them, and that he did not want to interfere further than he thought right to offer opinion and advice.

5601. Was it he that gave the cheer for Lord Dunsandle?—Well, I think it was Father Deely that gave the cheer for Lord Dunsandle.

5602. Did the people take it up?—They did.

5603. Was it quiet?—I think it was as quiet as it possibly could be; nothing but a laugh and a cheer.

5604. Was there much cheering?—There were five or six fellows cheered.

5605. Had you ever seen the like of it before in a chapel?—Never.

5606. It was unusual, at all events?—It was unusual.

5607. Did you see the list which the Reverend Mr. Deely took down?—I did not.

Cross-examined by Mr. Meadeagh.

5608. I understand that you say that this was as quiet a scene as there possibly could be in a chapel?—As quiet as I ever saw in my life.

5609. There was no violence?—No.

5610. And he did not put any improper pressure upon the people?—Certainly not.

5611. And he explained to them that he thought that Captain Nolan was a preferable man to Captain Trench?—He did.

5612. And he gave his advice to his people that they ought to vote for Captain Nolan?—Certainly.

5613. Did he leave it perfectly free to themselves to come and record their names on a bit of paper?—He decidedly explained to them that he was neither pressing them nor asking them to do anything contrary to their wish.

5614. Did not the people there assembled appear to be willing to vote for Captain Nolan?—They did.

5615. May I take the liberty of asking did you vote at the election?—I did not.

5616. You are a voter, doubtless, from your position in society?—Yes, I have a vote.

5617. I take it for granted that your political opinions are those of the Liberal school, and in favour of Mr. Gladstone, is that so?—They might be, I am a very bad politician.

5618. You are a Roman Catholic gentleman?—I am.

5619. And you did not vote upon the occasion?—I did not.

5620. With respect to Lord Dunsandle, you heard no depreciation of him, as a landlord, on that occasion?—No, he spoke to myself upon the matter.

5621. I have no doubt that Lord Dunsandle merits the praises which he gained, of being a good landlord?—He does.

5622. May I take the liberty of asking you whether you are not the brother-in-law of Mr. James B. Conneen, the petitioner's agent?—Yes.

[The Witness withdrew.

Mr.

Mr. E.
Rockford.
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Mr. BENJAMIN HILL, sworn; Examined by Mr. Murphy.

Mr. B. Hill.

5623. YOU were the resident magistrate in Tann on the day of the polling?—I was.

5624. You were up at the railway station during some portion of that day, I believe?—The greater part.

5625. To afford protection to the voters?—Yes.

5626. Do you recollect sending some voters, who came there on behalf of Captain Trench, across the fields with an escort?—I do.

5627. Was that in consequence of the state of the town?—In consequence of the excited state of the town, and some voters having come down to the railway station who had been seriously beaten just before.

5628. Did you see some of those men who were beaten?—Cut.

5629. You saw them yourself?—Yes, I had six or seven. One man complained of his arm.

5630. Was there much violence, or exhibition of violence, on the part of any mob in the town of Tann, on that day?—Well, I did not see much of it myself, except in the evening. I saw a good deal of rowdiness, for I was at the railway station until half-past three or four o'clock.

5631. Did you witness anything in the evening?—There were a lot of roughs, and a good deal of bother and shouting, the usual election rowdiness.

5632. Was it all on one side?—Well, it was, certainly.

5633. Did you see any windows broken in the town of Tann on that day?—There were two large plate glass windows broken at Mr. Blake's house, the evening before, when I was there swearing in two resident magistrates who were sent there to assist me. The windows were broken in the dining room just as we left.

5634. Had there been other houses injured?—Several of the houses were wrecked. Mr. Higgins's house was completely wrecked; they were jumping in and out through the doors and windows; Mr. Higgins is the brother of Mr. James Higgins. That was the worst.

5635. He had manifested some inclination for Captain Trench, I believe, had he?—I do not know; I heard so.

5636. He was one of the agents of Captain Trench?—I saw him that night at Daly's Hotel; I was sent for at 12 o'clock, he said he wanted protection to go home, but I would not allow it in the state of the town.

5637. You would not allow him even to go home?—Certainly not.

5638. You thought that the best way of protecting him was, to keep him where he was?—Yes, certainly; I thought the best way of keeping him protected was, for him to remain where he was.

5639. You would not admit any visitors there?—Certainly not.

5640. Had you arrested any persons for violence on that day yourself?—No, not on that day.

5641. On what day did you make an arrest?—Some time before the election; I arrested a man about the time of the quarter sessions, about the 11th of January.

5642. Was it for any shouting with reference to the election?—He was heading a mob in the streets and shouting; I came down from the

chairman of quarter sessions, I met him shouting, and I rushed forward and arrested him, and I brought him across to the footway to the side of the hotel, and he was rescued then from me by a large mob.

5643. Did you know at the time who he was?—I did not at the time, but I did afterwards.

5644. Who was he?—He was a man of the name of Hanley; he was tried at the last session here for heading another mob.

5645. Do you know whose tenant he is; who was he shouting for?—I do not know of my own knowledge; I heard that he was the tenant of Mr. Michael Nolan's, of Ballybarna.

5646. Who was he shouting for?—He was shouting "Hey for Nolan," when I saw him; I did not know him before.

5647. Do you recollect the fact of Mr. Charles O'Loghlin complaining of some assault in the court at Dummora?—I recollect it; I sent the prisoner for trial for an assault.

5648. At the time of the investigation in the court at Dummora, was there any manifestation of violence, or exhibition of feeling; did it require an additional police force?

Mr. Macdonagh objected to the question, on the ground that this was after the election.

Mr. Murphy stated that the occurrence in which he referred took place on the night of the election.

[Witness.] This was a long time after the election; a fortnight after the election.

5649. Mr. Murphy.] The assault was on the night of the election?—I do not know anything about that; I was not in Dummora.

5650. Do you recollect the case of the assault upon Mr. O'Loghlin coming before the bench at Dummora?—Certainly.

Mr. Macdonagh objected to the question.

Mr. Murphy was heard in support of the question.

Mr. Justice Keogh ruled, that if the persons concerned in this assault could be identified as having taken an active part in the election, the question might be put, but not otherwise.

5651. Mr. Murphy (to the Witness).] Was the Reverend Mr. Loftus in the court on the day that Mr. O'Loghlin's complaint was under investigation?—He was.

5652. Do you recollect an adjournment of the hearing having taken place?—On that day?

5653. On any day, do you recollect an adjournment of the hearing having taken place?—Yes, I do.

5654. Was it in consequence of any exhibition of excitement or violence that the case was adjourned?—There was such an exhibition, I believe, but I was not in court; I heard the shouts, but I was outside.

5655. Was the shouting proceeding from the crowd inside?—It was; I rushed up.

5656. Where justice was about being administered?—Yes; during Mr. O'Loghlin's examination.

5657. During Mr. O'Loghlin's examination, you heard the shouts?—Yes.

5658. Did you, after that, when you came in,

see Father Loftus in the court?—I saw him sitting in the court.

5659. On the subsequent day, when there was an adjournment, did you have an additional police force there?—I had.

5660. Of how many men?—Forty men I think. At one time I had 30 men, and at another time 40 men.

5661. Was that an unusual exhibition of force at such a place as the petty sessions?—I have not had it before at the place, but I considered it necessary there. It was not usual.

5662. Was that in consequence of the excitement and feeling exhibited?—Partly on account of that, and partly on account of one of the Lancers there having had his leg broken by the Dunmore people.

5663. Was Father Loftus there the second day also?—As well as I recollect he was for a short time, but only for a short time; he came in and went out.

5664. You said that you saw some persons at the station at Tunn who had been injured. Did you know any of those persons as Captain Trevel's men?—I did not; I understood that they were from Woodlawn. I know some of the persons who were in charge of them, Mr. Lynch.

Cross-examined by Mr. McClelland.

5665. This breaking of the Lancer's leg had nothing to do with the election?—Certainly not.

5666. I believe that he was in fact a Lancer in Major Nolan's own regiment?—He was.

5667. What is the name of the regiment?—The 17th Lancers.

5668. And that case was being investigated that day at Dunmore?—That was one of the cases arising out of that.

5669. When you saw Father Loftus at the court-house, at Dunmore, was he avoiding the people, or had he any mob doing any acts?—I never saw Father Loftus doing anything to excite a mob.

5670. You say that the day you were in Tunn some men were beaten. Is not the man who had his arm broken the same man of whom Mr. Charles Blake spoke, in his evidence the other day?—He is.

5671. Is it not the same man who gave evidence himself of the severe blow that he got on the elbow; he thought his arm was broken?—I did not hear him give evidence.

5672. Did you not hear him give evidence?—I do not think I took it down.

5673. Mr. Justice Keogh.] It is clearly one and the same man?—Yes, it was the same man.

5674. Mr. McClelland.] You say a man of the name of Hanley was heading the mob, and was prosecuted at the last session for heading the mob; was he acquitted?—I believe he was; many men are acquitted at the assizes.

5675. Who ought not to be acquitted; fortunately all criminals are not tried by stipendiaries; you say that there was a great deal of rowdiness at Tunn on that occasion; have you ever been at elections before?—Yes; a great many both in England and Ireland.

5676. Have you seen rowdiness at an English election?—I have, indeed; at Barnstable for instance.

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5677. Have you seen as much rowdiness at an English contested election as you saw at Tunn that night?—I have, quite as much and more.

5678. In peaceful, law loving, England; at contested elections which you have seen before in Ireland, you have seen as much rowdiness as you saw at Tunn?—Quite as much and more; I was at Sligo in the county and borough election of 1868, and I saw a good deal more of it; and at a great many others.

5679. Where are you stationed?—I am stationed at Tunn.

5680. That is your regular station?—Yes.

5681. On the whole, would you say that this election exceeded in excitement or violence, or whatever you choose to call it, contested elections which you have seen in other places?—Not what I saw myself: I was at the railway station during a great part of the day, and I had not an opportunity of seeing it there; only one mob came down there during the day, but I have seen a great deal more than what I did see from four o'clock.

5682. Do you not know that the evening of a contested election on the polling day is often the time at which the most rowdiness takes place?—Certainly, after the polling.

5683. You say that you were stationed at Tunn, and you had an opportunity of seeing the condition of the county previous to the declaration of the poll; for a fortnight, or some weeks beforehand; would you say that there were any acts of violence committed in the county up to the time of the election, which would attract your attention?—There were a good many assaults, and beating of people.

5684. Where were they?—In different places. 5685. Tell me any one which you witnessed?—I did not actually witness any, but they were brought before me. The only one which I saw was, that Hanley heading a mob the day I was coming down to the quarter sessions.

5686. I suppose that that mob was cheering and saying, "Hey for Nolan"?—They were, in the usual way.

5687. You were not surprised at it?—It caused a little terror at the time.

5688. You were afraid it might do so?—To nervous persons.

5689. Did it not frighten you?—Not much.

5690. Alone by yourself you faced the entire mob and seized the singler?—I did.

5691. And brought him away?—Yes; I did.

Re-examined by Mr. Murphy.

5692. You were not able to keep this man as a prisoner, although you took him prisoner?—I was not.

5693. Have you seen any contested elections in England where there were mobs?—I have; very strong ones.

5694. In this case, in reference to the recent election, did you see any rival mob at all?—I did not; I was very glad there was not, or else we should have had work.

5695. You think that matters would have been worse if there had been a second mob?—They would.

5696. Then the one overwhelming mob was able in one sense to keep the peace for itself?—Yes.

5697. You were asked whether it was generally

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ally a peaceful election, and you said that there were a good many assaults; are you able to say now, from your experience in the county, and from what you have heard, and what came under your eye, whether there was terror and alarm

through the county in reference to the recent election?—I believe there was no doubt of it.

5698. Considerable terror and alarm?—Considerable.

[The Witness withdrew.

Mr. WALTER SEYMOUR, sworn; Examined by Mr. Perce.

Mr.
W. Seymour.

5699. I THINK you are a voter for the county?—Yes.

5700. And you voted at Loughrea at the last election?—Yes.

5701. Did you experience any difficulty in making your way to the poll on that day?—Well, I made my way to the poll; I drove into the town at about 10 o'clock, I think, in the morning, and I saw a great crowd opposite Lord Clanricarde's yard near the Court-house. The police were drawn up there, and I found Sir Thomas Burke was in there, and two or three others, and I drove into the yard. The police made way for me, and then afterwards I went over to Captain Trench's tally-room, and got a card. The mob shouted at me, and threw mud and dirt at me, and the fellows jostled me with their shoulders, but they did not frighten me.

5702. Did they throw stones at you?—Not then, but after I voted I came to the door to go home, and they shouted at me then, and somebody there said it was not safe to go out, so I did not go out; I remained there until three o'clock. I made two or three attempts to go out, and each time the mob was there. When I did go out I asked my servant to drive my car to the door, and the moment I stepped on to my car the mob rushed, as I thought, at me, and they threw more dirt at me. We drove on, and got through the mob, and they threw stones at me. There were three or four men about 100 yards or before, and they called out to those men to stop me, and the whole mob ran after me. I did not feel very comfortable just then.

5703. Did you see any priests among the mob? Oh, yes.

5704. Several?—Well, I cannot say how many, but I met one priest when I was coming down. There was one priest in the mob; he was walking to meet me. He smiled at me, and passed on; he did not say anything to me.

5705. Did he endeavour to prevent the people from polling you?—Not that I saw; he laughed; he seemed to enjoy it.

5706. Who was it?—I cannot say.

5707. Do you remember being in Lawrence Town on the next day, or the day after that?—On that evening I drove to Lord Duns's, I did not go home, I could not get back; I went home the next day.

5708. Why could not you get back?—I was afraid to go back, at least I thought that I might get into a row, and I did not like it, and I got myself safe, and I thought I would keep so.

5709. What was the next time you were in Lawrence Town?—I went home the next day, and the day after I drove through Lawrence Town, and I was so much booed there that my pony ran away.

5710. Were you driving or riding?—I was driving.

5711. And your pony ran away with you?—Yes.

5712. And placed you in danger?—I do not

think it placed me in much danger; he ran about 100 or 200 yards.

5713. Did you see the voters on that day coming into Loughrea, coming up to the poll?—Yes, several.

5714. How were they brought up to the poll?—Well, I think every voter was brought up by the police, as well as I could see, nearly every voter, I think; I might almost say every voter. There was one gentleman when I saw bring up a great number of voters.

5715. Was he a priest?—He was a priest.

5716. Do you recollect his name?—I do not recollect his name, but I knew him when I saw him.

5717. How were Captain Trench's voters received as they came up to the poll?—I saw only two—I saw very few of them come up.

5718. How were the two treated?—One man stood in behind where I was sitting, and caught me by the coat and pulled it, and I looked round and saw who it was, and he slipped a ticket into my hand, and he said "I want to vote for Captain Trench." He wanted me to pass his ticket on and get it put down quietly, and I did so.

5719. Did you see Mr. Dolphie, the brother to the gentleman who seconded Captain Nolan? They were both there. I heard Mr. Dolphie say to one man whom he voted for Captain Trench, "Oh, you are not the man for Galway," or something of that sort. I cannot recollect which of the Mr. Dolphie said "you are not the man for Galway," but one of them said "Oh, never mind, we will send his character out after him." Lord Duns was in the room at the time, and he objected, and so did one of Captain Trench's agents who was there, and said that was not a fair remark to make, so the man was going into danger.

Cross-examined by Mr. Macdonagh.

5720. Do you happen to know the man to whom the words were uttered, "You are not the man for Galway." I do know the man very well, but I really cannot recollect his name; he is a Loughrea man.

5721. Did he not come from Waterford?—I think not? I knew him all my life in Loughrea; he may have been in Waterford for all I know.

5722. You heard him vote for Captain Trench?—Yes.

5723. And you yourself, I presume, voted for Captain Trench?—I voted for Captain Trench.

5724. You, at the polling place, saw nobody prevented from voting for Captain Trench?—Certainly not. I saw Mr. Nolan's hand cut with a stone, but whether it was before he voted, or when he voted, I do not know. He came to vote for Captain Trench; he told me so.

5725. You do not know whether he voted or not?—I do not. I think he did.

5726. Did the man vote who slipped the ticket into your hand?—Yes.

5727. And he voted for Captain Trench?—He did.

5728. You

5728. You passed on the ticket for him?—I did. I handed it to Captain Trench's agent, and said "Here is a man who wants to vote for Captain Trench."

5729. I presume you are a Protestant gentleman in this county?—Yes.

5730.—And, doubtless, your principles are the same as Captain Trench's?—Yes, very much.

5731. Instead of the terrible events which my learned friend tried to exaggerate into terror, the little pony ran away one day?—Yes.

5732. But you are a Galway gentleman, and I think that does not excite terror in Galway gentlemen?—It excited terror in the pony, but it certainly did not in me.

5733. Did that same pony ever run away before?—Oh, yes, but the people who shouted at me knew perfectly well that he would run away if he was frightened, and I think it was for that reason that they booed at me, in order to frighten the pony.

5734. They booed at you, well knowing that the pony would take to his legs?—I think so.

5735. Were you driving?—I was driving.

5736. You soon pulled him up?—Oh, yes.

5737. How did it do that invaluable pony?—I never looked at his teeth.

5738. You went into Loughrea at about 10 o'clock in the morning?—I think at about 10 or half past 10 o'clock.

5739. The crowd you first met was opposite Lord Chancery's place?—Yes, as I was coming down to his place.

5740. Is that his rent office?—The yard in which his rent office is.

5741. Was it the same pony that day?—The same pony. He ran away again, very luckily, when I was going away.

5742. That is a most invaluable pony. You drove in, and then you went in and put up your pony and car?—Yes.

5743. And then, like a man and a gentleman, you walked out without the least fear through the town?—Well, I did not feel very comfortable, certainly, but I walked out.

5744. And you walked to the polling place?—I walked to the polling place.

5745. And you delivered in your vote?—I delivered in my vote.

5746. And some of the people there, some of the fellows who came up to push you, well knew you were going to vote?—Perfectly.

5747. And for Captain Trench?—Perfectly; everybody in Loughrea knew which way I was going to vote.

5748. And not a single blow was applied to you?—I was covered with mud before I got down.

5749. That was afterwards, I think?—No, before.

5750. You voted, and you saw the other voting taking place?—Yes.

5751. And then you ordered the pony and car to the door?—Yes.

5752. That was a chivalrous act; there was a large crowd?—Yes, an immense crowd.

5753. And you were courageous enough to mount your car, knowing well that your pony would run away. The servant is a fine courageous fellow, too; nearly as brave as yourself?—Pretty well.

5754. A smart fellow. And you got up on one side, and he on the other. Did he drive, or did you drive?—He drove.

5755. And then you got on the car?—The moment I got on the car, he struck the pony with the whip, and the pony reared up, and the crowd scattered.

5756. And off he dashed through them?—He dashed through them. The police kept the crowd, except at the outside, and we got through it.

5757. And then they pelted the pony and yourself with mud?—Mud and stones.

5758. You were not hurt?—I was not struck at all, except by the mud. They did not throw the stones until I was a little further away.

5759. Nothing could be better than the whole scene. Were you at the Loughrea meeting?—No, I would have been.

5760. What would you part with that pony for?—A hundred guineas.

5761. A great bargain?—Will you have him?

[The Witness withdrew.]

Sub-Inspector JOSEPH BURKE IRWIN, sworn; examined by Mr. Sergeant Armstrong.

5762. I BELIEVE you were stationed at Portumna during the election?—I was.

5763. And you were in the force then as you are now?—Yes.

5764. You are a Catholic by religion?—Yes.

5765. Do you recollect at the chapel of Portumna before the election hearing anything said from the altar by the priest?—Yes. On three or four occasions he addressed the congregation.

5766. Who was the gentleman?—There were two Reverend gentlemen, Father Burke and Father Mullany.

5767. Is Father Burke the parish priest?—Yes.

5768. Will you state, as fully as you can recollect, the substance of what those two Reverend gentlemen said, beginning with Father Burke?—I did not take any notes, and there was nothing said that left any very great impression upon my mind. On the first occasion that the Rev. Father Burke spoke, he said that it was

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with extreme regret that he had to allude to a political subject from the altar. He would not do so only from the unconstitutional interference of the landlords, who had been sending about their agents and bailiffs to coerce the tenants to vote against their consciences. I do not profess to give the words, but that was the substance. He said that if the landlords would even still desist (I think he alluded particularly to Lord Chancery) from interfering, he would not say any more upon the subject, but if they persisted he would feel it his duty again to address them. He spoke in very few words on the first occasion.

5769. Was that the substance of his first address?—That was the substance of his first address, as well as I can remember.

5770. Now, what did he say on the second occasion?—On the second occasion he stated the respective merits of the two candidates. He spoke, I must say, personally, in rather complimentary

Mr.
W. Seymour.
9 April
1879.

J. E. Irwin.

J. B. Irwin.

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mentary terms of Captain Trench. He said he had had the pleasure of an interview with him, and that he was an extremely affable and agreeable gentleman, with all the polish of manner peculiar to officers of the army, but he said that he was a son of Lord Clanricarde, that Lord Clanricarde was very hostile to the Catholic religion; and he said that Captain Trench professed to be for denominational education, but that if Captain Trench's denominational education was like that practised by his father, it would mean sending every Catholic child to a Protestant school. He said that, personally, he had no objection at all to Captain Trench. Then he spoke of Captain Nolan. He said that Captain Nolan had committed a great error in the early part of his career, and I think he alluded to the Portacarron eruptions. He said he had made the best statement he could for that error, and that it was the proceeding in reference to the arbitration which caused the landlords to unite against him. He said that he was a distinguished officer of the army, a man of great ability and scientific attainments, and that his programme was what was deemed to be right by the bishops and clergy, and that he intended to support him. However, I must say that I have a distinct recollection of the Rev. Mr. Burke stating that he did not want any voter to vote with him against his own will, or against the wishes of his landlord if it would be injurious to him; but he said that he himself had been amongst them for a great number of years, that he had assisted them in various ways, that he was always ready to assist them, not only in his spiritual capacity but in a temporal way. As an instance, I recollect that he mentioned that at great expense (I forget whether he said "expense," but at great trouble) he had established a bank in Portanna, which was more than some of the landlords had done. I think it was the same Sunday (but I am not quite sure) that he alluded to Lord Clanricarde. He appeared to think that Lord Clanricarde had acted not as a man of his great station should do in deserting his party at the end, or towards the close, of his political career, and that he had proved unfaithful to the traditions of his house. And he said that when he got back to London he would be ashamed to meet those great statesmen with whom he had always been associated.

5771. Did he say anything about the priests having risked their lives for their religion?—Yes. I do not know that those were the exact words.

5772. That was the head or substance of his observations?—I am coming to that.

5773. Do not be so long coming to it; go on.—Since I have been summoned, I have been trying to recollect. He said, "There are a great many wise people in the parish, and they think they can see further into a millstone than anybody else; but they do not remember that Lord Clanricarde is an old man, and has reached the age of threescore and ten, and that in the ordinary course of nature he cannot expect to live as long as a young man would;" but, at the same time, he added, "God forbid that I should wish Lord Clanricarde's life shortened by one day or one hour." He said, "that Lord Burke, who was to succeed Lord Clanricarde, was the grandson of the greatest and most liberal statesman who ever controlled the destinies of England;" but, he said, "If Lord Clanricarde should be

displeased with you for voting against Captain Trench, it does not follow that Lord Burke might be displeased. However, whether they are pleased or displeased, the Irish" (I forget whether it was "the Irish" or "the people") "have often had to run risks before for conscience sake, or for principle's sake, and they must only be prepared to run the same risk again."

5774. Did he say anything about the priests having risked with their lives?—No.

5775. Did he say anything about worldly sheep?—No; not in my presence.

5776. Did any of the other priests?—No; not in my presence.

5777. Is it in that chapel that Lord Westmonth's pew is?—No.

5778. What chapel is it in?—It is in Carrow Chapel, near Tynagh.

5779. Did you hear anything said from the altar of that chapel?—I was never at mass in that chapel. I went to visit the broken pew or bench.

5780. Did you see Lord Westmonth's seat there, in front of the gallery?—Yes.

5781. What state was it in?—I went there on the second day after it was broken. I think it was discovered to be broken on the 21st of January, which was a Sunday, and I visited it on the 23rd, and there was a carpenter engaged in repairing it.

5782. Was it smashed?—The back of the seat or back of the bench was broken, or at least a number of standards at the back of the seat were all broken right across.

5783. Were they like the rung of a chair, or were they upright, like the banisters of a staircase?—They were upright.

5784. Were they pulled away and broken?—They were pulled away, and broken across.

5785. Was considerable damage done to them?—Not to any considerable damage.

5786. Did you see Mr. Nugent's pew?—Yes.

5787. Was that broken also?—Yes; that was broken also. The amount of the damage done to that pew was very trivial, but it amounted to a breaking.

5788. Did you see Mr. Kelly's pew?—I did not see Mr. Kelly's pew.

5789. Would it be true to say that nothing was done but to turn Lord Westmonth's pew upside down?—Oh, it would not be true, certainly.

5790. That it was not smashed, but only rooted out of its place, and turned upside down?—That would not be true; it would not be true to say that it was only turned upside down.

Cross-examined by Mr. Meendermont.

5791. Were you in Portanna during the polling?—I was.

5792. I suppose you have been at this chapel on many occasions besides this; have you regularly attended there?—Yes; I regularly attended Divine worship there.

5793. You say you were in Portanna during the polling?—Yes.

5794. Can you state what was the condition of the town then?—There was a very large assemblage of people. The whole of the Barony of Longford polled there; it is a large Barony. There were a great number of electors and non-electors there, as I suppose. There was a very considerable crowd. For a few minutes, when there

there was some shouting as Captain Trench's voters came from the Eyrecourt direction, Captain Eyre, Mr. Burton Perse, and a few others had some difficulty in leaving the hotel yard, where their vehicles were put up. There was some shouting, and I remember that Mr. Perse (I think it was Mr. Perse, or one of the party) came to me and told me he did not want to ask the priest to clear a passage, but requested that I would send a few men. I went to the senior officer to get a few men to have this passage cleared. I was not the senior officer on duty at the time, and when I came back I saw the vehicles disappearing behind a hill, so that it appears they got away. I cannot say of my own knowledge how they got away, but, with that exception, I never saw a quieter assemblage of people. I never saw so quiet an assemblage of people. We had not an arrest during the whole day, and I did not see a drunken person, and there was no prisoner in the barrack; but that I attribute very much to the exertions of Father Burke, who was about the whole day.

Re-examined by Mr. Sergeant Armstrong.

5795. Was it a large mob?—No. I would not call it a mob, but a large crowd of people.

5796. They were under his command?—*J. B. Burke.*
Well, I saw the Rev. Father Burke.

5797. Were they under his command?—No.

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5798. Under his control?—At one particular time, when there was some shouting.

5799. Was it you or Father Burke that kept the peace?—Father Burke was a very good assistance in keeping the peace. As well as I remember, I think the resident magistrate said we were bound to return thanks to Father Burke.

5800. Did you?—I think we did.

5801. Mr. Moordroet.] Was there a mob in the sense in which the word is usually used?—I do not think that there was a mob in its legal sense.

5802. Was Father Burke commanding any party doing any damage or harm?—Certainly not.

5803. Was not he doing his best during the day to keep the peace?—He was; and I must say that I never heard the Rev. Father Burke, either in chapel or anywhere else, say a word that could have insulted the most sensitive person, or intimidated anyone. I think it is fair to say that.

[The Witness withdrew.

[Adjourned to To-morrow, at Eleven o'clock.

Ninth Day.—Wednesday, 10th April 1872.

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Mr. Serjeant *Armstrong*.] WITH your Lordship's permission, before I proceed to call any witnesses, there is an inaccuracy in my statement, to which my attention has been called, and which it is my desire, indeed I have been requested, to take the first opportunity of setting it right. It is with reference to the Rev Father Pelly of Kiltella. I was instructed to make the statement, and the wonder is that, with the vast amount of evidence, there were not more inaccuracies. I did state that he said that the rites of the Church would not be given by him to any voter who would vote for Captain Trench. I find that no person concerned for the Petitioner has any reason to suppose that Father Pelly ever resorted to any such language. The part which he did take will be explained in evidence.

Mr. Justice *Keogh*.] That is a very proper course to take, and very satisfactory, I think, to all parties.

Captain JOHN ARCHER DALY, sworn; Examined by Mr. Serjeant *Armstrong*.

Captain
J. A. Daly.

5804. I BELIEVE you were served with a subpoena to attend on behalf of the Respondent, Captain Nolan?—Yes.

5805. Are you a proprietor in this county?—I am.

5806. And a Catholic?—Yes.

5807. You are a son-in-law of the Earl of Westmeath?—Yes.

5808. Are you aware that, before what has been called the landlord meeting at Loughrea, of the 13th of December, a circular with the view of convening that meeting was issued?—Yes.

5809. Have you got one of these circulars about you?—I have, I think (*producing the same*).

5810. Did you attend the meeting at Loughrea?—I did.

5811. And I take for granted that you are in a situation to explain the substance of what took place there?—Yes.

5812. I believe that Father Pelly is your parish priest of Kiltella?—Yes.

5813. Do you recollect that after you had heard a report through the country that addresses were to be delivered from the altar with reference to the election, seeing Father Pelly at your house?—Yes; he called at my house.

5814. Will you have the goodness to state what passed between yourself and Father Pelly upon that occasion?—Father Pelly came to the house, and I said to him, "I hear that the priest will have to speak from the altar, next Sunday, recommending Captain Nolan as a candidate." I said, "Is that the case?" and Father Pelly answered me, and said, "I shall have to read a resolution, and I will speak a few words on the subject of the election."

5815. Did you express your idea on the subject of speaking so from the altar?—Yes; I said that I thought that it was very wrong for a priest to speak on political matters from the altar, and that I would not remain in church if political matters were alluded to in the church.

5816. Your lady is Lady Ann Daly?—Yes.

5817. Is she in the habit of attending the same house of worship?—Yes; we have all of us attended for the last six or seven years, either at Kiltella or two other places.

5818. Did the reverend gentleman make any sort of assertion?—He made no comment that I can recollect. I do not think that he did.

5819. I presume that the upshot of it was, that it was his intention to say something; he left you under that impression?—Yes.

5820. Did you attend at his chapel on the following Sunday?—No; I went to the chapel at Lisgar, at the Priory.

5821. Did the officiating clergyman there introduce the subject?—The officiating clergyman after Mass read a resolution, which I think is Father Sellar's resolution, as far as I can make out. It was merely recommending Captain Nolan to the notice of the people as the best candidate under the circumstances.

5822. Mr. *Macdonough*.] I want that this gentleman should give evidence of what was said?—I did not hear the thing very distinctly.

5823. Mr. Serjeant *Armstrong*.] It was at the Priory at Lisgar?—Yes.

5824. Mr. Justice *Keogh*.] You heard a paper read at the Priory?—Yes.

5825. Mr. Serjeant *Armstrong*.] And you believed it to be Father Sellar's circular?—Yes; and I may add that, after reading the circular, the officiating priest, Father Hughes, said that Captain Nolan was the choice of the bishops and priests (this is as well as I recollect), and that he thought that he was the best man to support under the circumstances, and that he recommended him to the voters as the best man to support at the coming election.

5826. I do not go into particulars; I do not think it at all necessary; but I will ask you had you introduced Lord Dunsandle and the Marquis of Clanricarde on the posture of affairs with reference to the coming election?—Yes.

5827. About how many voters are there upon your estate?—I think about 40, as nearly as I can say.

5828. Mr. Justice *Keogh*.] On your own estate?—Yes.

5829. Mr. Serjeant *Armstrong*.] Upon what terms had you and they been in your social relation as landlord and tenants?—On the basis of terms for the last 17 or 18 years; in fact, since I came of age.

5830. Had they been an attached tenantry?—Very much so.

5831. Was Lady Ann acquainted with them in a general way?—Yes; very well acquainted with them.

5832. Had you any interview or negotiation with

with your tenants in reference to their votes?—Yes; I canvassed a great many of them; in fact, nearly the whole of them, I think, with the exception of five or six. I canvassed every voter on the estate for Captain Trench.

5833. What was the reply which you got?—Twenty men promised distinctly to vote for him, about 15 or 16 conveyed to me, some of them by word, and some of them by sending a message, that they were afraid to vote against Captain Nolan.

5834. How did the 20 who promised to vote with you, vote?—Only one out of that number voted for Captain Trench.

5835. Did you see them, or any of them, afterwards upon the subject, to ascertain their reason; had you any conversation with them before they voted, or afterwards?—I saw them shortly before they voted.

5836. Did you then ascertain how they were about to vote?—Yes; they said that they would not vote at all.

5837. That they would act contrary to their promise?—Yes, that they would act contrary to their promise to vote for Captain Trench.

5838. What reason did they assign for that?—In one village where they all of them had promised to vote for me, I think some of them came two or three days before the election, and they said that they were desperately afraid to vote. They said that they did not mind so much going in on the polling-day, that they might escape on that day, but that they could not escape when they were obliged to go into market after the election was over; that they were afraid of their lives, afraid of their properties, and afraid of being injured both in person and property, and it was on that occasion that many of them said to me, "For God's sake let us off voting for Captain Trench; we will promise you not to vote for Captain Nolan, but we are afraid to vote for Captain Trench." I said, "If you are in that state of terror, and so utterly frightened that you are afraid to go in, I will accept your promise not to vote for Captain Nolan; and they did not do so. They remained at home, and did not vote at all."

5839. Did they refer to any punishment which might come upon them in going about, or anything of that sort?—Yes; they spoke in a general way, in fact, one or two men said that they were afraid of their neighbours, that they were afraid of the mob in town. One man told me, "I am afraid to go into the market at Loughrea since you spoke up for Captain Trench." He said, "On one day, when I went in there, I was set upon in a public-house, and was obliged to go into the fields, and since then I have been afraid to go into the market at Loughrea."

5840. Do you recollect applying to a man at Eyre Court to act as an agent for Captain Trench?—Yes.

5841. Did you get an answer from him?—Yes.

5842. What was his name?—Kelly.

5843. I believe you have lost the letter?—Yes, it has been lost or mislaid. I have not been able to find it.

5844. What was the substance of it?—Kelly wrote back to me saying he was very much obliged to me for recommending him to Captain Trench's agency, but that he could not accept it, that the election had become a religious question altogether, that he had business to do in Tipperary, and that if he accepted Captain Trench's

agency, or worked for him in any sort of way, his life would not be safe.

5845. There was a tenant on your estate of the name of Curley?—Yes.

5846. He was a tenant, I believe, of Captain Blackney's also?—Yes.

5847. Do you recollect receiving a letter from him, which I believe is also lost?—I do.

5848. In fact you did not see the necessity of preserving these documents at the time?—No, I got a great many letters.

5849. Will you state the substance of Curley's letter?—He began by saying that he was sorry that he had not met me when I went to Lisena to canvass tenants; that he had been away. He said, "You cannot be aware of the state of the country when you ask me to vote for Captain Trench." He said that if he attempted to do anything of the sort, his life would be in danger, and his property and everything else injured.

5850. You are well acquainted with the general character and habits of the tenantry. Did you believe their representations to be made in good faith?—Perfectly.

5851. Are you able to say that the country was in a disturbed, and excited, and agitated state, so as to create alarm and terror?—Most unquestionably the country was in a disturbed and agitated state, and calculated to create alarm and fear in the minds of the people.

5852. In past times was it usual to allow the gentry of the country to enjoy their hunting in peace in the country?—In my experience I was never molested in hunting until about two months before the election day.

5853. What was the state of things then?—Whenever I arrived in Galway, which I did on one occasion, I was blessed riding through the town. As soon as I got to the scene of operations, looking for our tax, the people flocked around shouting and roaring. Shouting, "Hi for Nolan—to hell with Trench."

5854. In the hearing of the gentlemen?—Yes, that was very evident, particularly on one occasion, when a mob of 30 or 40 men armed in that sort of way pursued the riders from field to field and from fence to fence, shouting and roaring in this kind of way.

5855. Are you aware of any cause for such insults and such disturbance except political, or religious agitation, or whatever it was?—None whatever.

5856. Did any of the voters at all refer to anything which they had heard at any chapel, or from any priest at all; did they refer to priestly interference or advice to them?—Yes; that the priests were all in favour of Captain Nolan, and that they were afraid to go against him. I may also add that during my canvass I canvassed a great many men of my own tenants, and I never heard anyone say that he would like to vote for Captain Nolan, except one tenant of my own. He said that he wished to vote for Captain Nolan, and I said, "If you do, it is optional with you to do it." He is the only man who told me that he wished to vote for Captain Nolan.

5857. Mr. Justice Keogh.] Who was that?—A man of the name of Edward Burke. He said that he would vote for Captain Nolan.

5858. At the commencement?—He did not say it at the commencement. It was just before the polling-day.

5859. I did not catch what you said. What did you say to him?—I said that he was the only tenant

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tenant on my estate, or the only man whom I canvassed during the canvass, who said that he would like to vote for Captain Nolan.

5860. Mr. Serjeant Armstrong.] And what did you say to him when he said so?—In fact, he said no word. I said that he should do it; that he should vote as he liked. I had no means either of restraining or of influencing him.

5861. But as regards all the others, they did not express any desire to vote for Captain Nolan?—No, not in any way.

5862. You have a large acquaintance, I take for granted, not only with your own neighbourhood, but with the state of things going on in the country at large?—

Mr. Macdonagh objected to the question.

Mr. Justice Keogh.] That is too large a question. It is the very question to be decided by the Court.

Mr. Serjeant Armstrong.] It is, my Lord.

5863. (To the Witness.) I suppose that you have had a subpoena served upon you on behalf of Captain Nolan?—I had two subpoenas; one was sent to Brighton, and the other was served here.

Cross-examined by Mr. Macdonagh.

5864. I have very great pleasure in seeing you?—Thank you; I have been looking at you for some days.

5865. Will you kindly hear me?—Certainly.

5866. It appears that you canvassed a considerable number of persons for Captain Trench?—Yes.

5867. Persons besides your own tenants?—Yes; where I had an opportunity of talking to anyone, I always asked him if he would vote for Captain Trench.

5868. I presume you told Captain Trench that you would canvass for him, and do anything which you could?—I conveyed that to him. I did not say that. I did not tell him.

5869. The date of the Loughrea meeting of gentlemen was the 13th of December?—Yes.

5870. How soon after that, did you commence to canvass for Captain Trench?—I should think about three weeks after that, as well as I can recollect.

5871. I presume you frequently met Captain Trench in the interval?—Very often.

5872. I suppose that you occasionally reported to him how you were going on?—Yes, I reported to him how I was going on.

5873. You reported to him how many men had promised you, and whether any declined?—I suppose I did.

5874. I take it for granted that you mentioned a letter from Curley which you have lost, not thinking it of importance?—Yes.

5875. Was Curley examined in that seat?—I did not see him. I heard that he was to be examined, but I did not see him examined.

Mr. Justice Keogh.] There was not any person of that name examined; I think not.

Mr. Murphy.] My learned friend is right, there was a man of the name of Curley examined, but not the same Curley.

Mr. Justice Keogh.] Not yesterday.

Mr. Macdonagh.] I do not say yesterday, my Lord.

Mr. Murphy.] This Curley has not been examined, and he is not available at present.

5876. Mr. Macdonagh (to the Witness).—The Curley to whom you refer is the Curley who was not only a tenant of yours, but a tenant of Captain Blakeney's?—Yes.

5877. And that is the man who wrote you the letter expressing his regret that he could not vote, and that you could not be aware of the state of the country?—He did not write to say that he could not vote. He said that he was sorry he had not met me, and that I could not be aware of the state of the country, or that I would hardly ask him to vote for Captain Trench.

5878. Where have you seen that Curley?—I have not seen him for a very long time; I saw him eight or nine or ten months ago; I could not swear to the time when I saw him.

5879. Did you hear that my learned friend, Mr. Serjeant Armstrong, was instructed to state that the Rev. Father Pelly had used the words which he has stated?—Yes; I heard it from England, and I wrote to Father Pelly, saying, that it was perfectly untrue that I had ever said anything of the kind.

5880. When did you write to him?—I came over on Wednesday last, and I think that I wrote to him on the following day, namely, Thursday.

5881. Did you communicate to Mr. Conneen the mistake which had been committed?—I spoke to Captain Trench.

5882. When was that?—I think that it was on Thursday that I told Captain Trench.

5883. I only wish to show that the mistake was not corrected until you were about to be put upon the table?—Yes.

5884. Do you remember to have been at a meeting in Dublin prior to the 5th of December, of some of the clergy of this county, touching the election?—I do not think that I was; I do not recollect being at any meeting.

5885. At Morrison's Hotel?—No; I was at no meeting that I remember; I may say I am sure that I was not at any meeting.

5886. Are you a member of the Kildare-street Club?—I am.

5887. Were you there?—I was not there; I refer to the time of this election.

5888. That is the very time that I refer to?—I was not there.

5889. Was Lord Clanricarde there?—I was not there, and how can I tell?

5890. Did you hear from any gentlemen who were voters, whether they had been there or not?—I do not recollect hearing from any of them that they had been there.

5891. Did you talk to Lord Clanricarde about it?—No, I think not; I think that Lord Clanricarde went over to England after that meeting, at least I do not think that I saw him; I have no recollection of seeing Lord Clanricarde. Anything that I recollect, I will tell you distinctly.

5892. Have you the circular which you issued?—Yes.

5893. This is the circular signed by Captain Daly as the honorary secretary. It commences by stating "At a meeting held in Loughrea on the 5th instant"?—Yes.

5894. "It was resolved that a general meeting of gentlemen of the county should be held in Loughrea, on Wednesday the 13th instant, to decide upon the course to be adopted by them at the ensuing election"?—Yes.

5895. "To that meeting Lord Clanricarde has been invited and has consented to attend. Should you be unable to attend the meeting, I shall be obliged if you will state your views on the subject

ject. John Archer Daly, Honorary Secretary, December 5th, 1871." Who is Lord Clanricarde's agent?—Mr. John H. Blake.

5896. He is his general agent?—Yes.

5897. Were you at that meeting of the 5th which you certify under your hand?—I was.

5898. Who were at the meeting of the 5th?—There were several gentlemen there, I wrote down a few of their names.

5899. When did you write them down?—Since I came into court.

5900. To-day?—Yes. I was thinking that you might ask me for them; there were a good many there: Mr. Burton Perse, Mr. John Blake, Captain Smith, Mr. Joseph Kelly, young Mr. Dolphin, and Mr. Thomas Daly.

5901. Was Lord Clanricarde there?—Yes, Lord Clanricarde was in the room.

Mr. Justice Keogh.] On Saturday last there was a man examined who is down in the notes and in the index as Mr. Thomas Curley; I assume that his name was Curley: he is the man who was in the chapel of Liscar, and had a pew, and I suppose he is the man who asked me to give him back his pew.

5902. Mr. Macdough (to the Witness).] Lord Clanricarde was there?—Yes.

5903. Was it in Lord Clanricarde's Rent office?—Not in the Rent office, but in the room adjoining the Rent office.

5904. It was in Lord Clanricarde's house?—Yes, in a house belonging to Lord Clanricarde.

5905. Were other noblemen and gentlemen there besides Lord Clanricarde, and those whom you have particularised?—In the morning I think that the Earl of Westmeath was there; he was not in the room when that resolution was drawn up to which you allude.

5906. Lord Clanricarde was?—Lord Clanricarde was.

5907. And Lord Clanricarde promised to attend the meeting?—Lord Clanricarde promised to attend the meeting which was to be held on the 13th.

5908. May I ask you who composed the document?—My brother wrote the thing, and one or two people dictated.

5909. Who were the one or two people?—I think that Mr. Burton Perse was the principal helper in the matter, and I dare say that I put in a word myself.

5910. So that it was the joint production of yourself and Mr. Burton Perse?—Yes, and my brother.

5911. At that very time were not you in a most happy position; were not there several ladies there?—There were two ladies.

5912. And ladies of very high station and influence in this country?—Yes.

5913. I venture to think that this Court has been honoured by their presence?—By the presence of one of them.

5914. Ladies are first rate electioneers and canvassers. This having been arranged on the 5th, had you seen Captain Treach on that day?—I met him walking in the town.

5915. And you met him, I presume, before the meeting of the 5th?—I do not swear that I met him.

5916. Do me the favour to try your memory. Did not you meet him either before or after the meeting?—I certainly met him during the day, 241—L.

but I could not swear whether I met him before the meeting or not; at least I think I can swear that I met him; I am sure that I did.

5917. Do not you think that you communicated to him the arrangement of the meeting to be held?—I dare say that I told him that a general meeting would be held as I told everybody else.

5918. You communicated what the date was?—I suppose so. I cannot recollect that I did tell him, but I suppose that I did tell him; I told everyone that I met.

5919. Do you remember a gentleman, a reporter from "Saunders' Newspaper," having been brought down?—Yes.

5920. Who paid him?—I have not the least idea; I was never asked.

5921. Who brought him down?—That is a matter that I know nothing of; I suppose that he came down on his own look.

5922. Is the gentleman in Court here?—I believe that that is the gentleman who is sitting opposite to me, but it is very hard to swear.

5923. You appear to be right; it shows what a wonderful memory you have. You, I suppose, had never seen him before?—Perhaps I might have seen him, but I did not know him.

5924. But you now recognise that that is the gentleman?—I think so.

5925. Will you be good enough to tell me, is not that your letter (*showing a letter to the Witness*)?—Yes, that is the letter which I wrote to the "Tuam News."

5926. Will you be kind enough to produce the letter of the reporter of the "Tuam News," to which this is your reply? (*The Witness produced a letter.*)

5927. "News and Advertiser Office, Tuam, December 7th, 1871. Sir,—Would you kindly inform me whether the meeting, the convention of which has been announced by circular for the 13th instant, and with which you are connected as secretary, is to be one open to the general public and the Press, as, if it be, I shall be glad to attend as the representative of the Fourth Estate.—I remain, Sir, yours obediently, Edward Byrne.—J. A. Daly, Esq., Refused." To which, the reply of the 9th of December is from Mr. Daly: "Sir,—In answer to your letter of the 7th, I beg leave to inform you that the meeting you allude to is to be a private one." Do you know that in addition to the reporter of "Saunders' Newspaper," namely, that highly respectable young gentleman who is now sitting there, Mr. J. B. Concanen, the agent of Captain Treach, was present at that meeting?—He was.

5928. Was it on the 5th that the idea of holding this meeting of the gentry was first organised?—It was.

5929. Who were the parties who took part in the origination of that meeting?—I think members of gentlemen in the town (it was a fair day) spoke of it, and said that they had heard that there had been three or four meetings of the bishops and clergy held already, to select a candidate, without any consultation with the laity (this is, as well as I recollect, the general conversation), and that they thought that it would be well for the gentlemen of the county to come together and see if they could not select a candidate to represent the county.

5930. And Lord Clanricarde was present at it?—I am telling you now that it was a general conversation. I do not know that that actually occurred.

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occurred in the room in which Lord Clanricarde was, but that, I think, was the meaning of the thing.

5931. Was not the substance of what you have now stated mentioned at the time; I do not want to be referring at all unnecessarily to ladies names, but ladies of respectability were there, and in their presence and that of Lord Clanricarde, was not that the substance of what was then discussed, that the gentry of the county should now have a meeting?—Yes, that was the impression which was left upon my mind.

5932. Do you remember any reference at all to the arrangements made at the club house in Kildare Street in relation to Mitchell Henry's election?—I did not hear an allusion to it.

5933. At that time?—At that time.

5934. The meeting of the gentry was held?—A meeting of the gentry was held in the Ball-room, Loughrea.

5935. It is a hall-room; Lord Clanricarde built it for the benefit of the town; it is a public room.

5936. Is it in that side house which you have been speaking of, where the meeting of the 5th was?—No.

5937. Is it near it?—It is near it.

5938. And the meeting was held in the hall-room?—Yes.

5939. And it was only then and there that you saw the reporter from "Saunders' Newspaper;" I have his report in my hand?—I thought that it was the reporter of the *Tuzum Newspaper* when I saw this reporter in the room; I imagined that having written to me he had come to Loughrea and had come in, and it was not until the meeting was over that I heard that it was the reporter of "Saunders' Newspaper."

5940. You thought at the time that it was the reporter of the "Tuzum News"?—Yes; I heard afterwards that it was the reporter from Saunders' Paper. I think that he was sitting between Mr. James B. Connors, and Mr. McDonnell of Dunmore.

5941. At that meeting attended the Marquis of Clanricarde, the Earl of Westmeath, Lord Delvin?—Lord Delvin was not there.

5942. That was a mistake?—Yes.

5943. Lord Clonbrock?—Lord Clonbrock was there.

5944. Lord Dunasville?—Yes.

5945. Major Gascoigne?—Yes.

5946. Mr. Burton Perce, D.L.?—Yes.

5947. Colonel Seymour?—Yes.

5948. The father of the gentleman who owns the pony?—Exactly.

5949. Then there were Messrs. C. T. Redington, A. B. Nolan, James Galbraith, Captain Lambert, Mr. W. P. Lambert, Captain Eyre, and so forth, a great variety, and a number of the gentlemen of the country. Was Lord Ash-ton there?—He was.

5950. Then we will substitute him for Lord Delvin, because he is not mentioned in the newspaper report. Lord Dunlo was there?—Lord Dunlo was.

5951. Of course you remember whether Sir Thomas Burke took the chair?—I do recollect his taking the chair.

5952. And his addressing the Marquis of Clanricarde?—I do.

5953. In short you read this report in "Saunders' Paper"?—I did.

5954. We know the accuracy of the gentle-

men of the press. I believe that that is a correct report?—I think that it is as well as I recollect.

The newspaper was delivered in by Mr. Madden.

Mr. Serjeant Armstrong.] You enter that as read.

Mr. Madden.] Yes.

5955. (To the Witness.) About how long did the meeting last?—I should think about an hour and a half, or about two hours.

5956. And it broke up after having been singularly unanimous?—Yes, great numbers were in favour of Captain Trench; in fact, nearly every one, I think, with the exception of 10 or 12, or perhaps 18 or 14.

5957. You recollect the excellent speech of Mr. Redington?—I recollect that Mr. Redington made a speech.

5958. In which he spoke very highly of Mr. Gladstone?—Yes; he pinned his faith to Mr. Gladstone.

5959. He admired his doings as to the Established Church?—I believe that he alluded to the Established Church.

5960. And he thought that the choice of the meeting ought to alight upon some person who would be favourable to the policy of that great statesman, Mr. Gladstone?—Yes; that was the impression which he made upon my mind.

5961. However, he was left in a minority?—He was left in a minority.

5962. And Captain Trench was selected?—He was the selected of the meeting.

5963. And I suppose then that according to the happy union, of which my learned friend, the Serjeant, spoke, which is the custom in Galway, it was "Look to the heads of all the landlords, and then add up all the tenants?"—I had no idea that the tenants would generally go with their landlords, which they were in the habit of doing. Of course, that is assuming that the tenants approved of the landlords' choice.

5964. Of the gentleman selected by them?—Yes.

5965. You remember distinctly former elections?—I do; I remember a good many elections.

5966. Not to go back too far, we will take Lord Dunlo's and Sir Thomas Burke's, and Mr. Gregory's?—Yes.

5967. You voted then, I presume?—I forget whether I did; I suppose that I had a vote as many years ago as that.

5968. In 1859?—Yes; I voted.

5969. And doubtless you voted for Sir Thomas Burke?—Yes; I distinctly did vote for Sir Thomas Burke.

5970. And Mr. Gregory?—Yes.

5971. And against Lord Dunlo?—Yes.

5972. The tenants went with their landlords then?—My tenants did; and I believe that they did all through the county, to a man.

5973. You voted according to your principles?—I voted according to my likings and my principles too.

5974. And you then assisted Lord Clanricarde?—Yes; we fought under his banner.

5975. That is a much better expression than mine; and, of course, when you use the figurative expression, "fought under his banner," you do not mean to say that there was any actual banner?—No.

5976. You

5976. You speak figuratively?—Yes.

5977. It would not be figurative if a priest had done it, but a country gentleman might do it?—If priests confined themselves to such moderate language, I do not think that we should find fault with it; if they said that they fought under Dr. McFale's banner I should think it fair.

5978. And that little figure of speech is allowed?—Yes.

5979. Is it not quite fair for people to use those little figures of speech at election times?—I do not know that it is fair at election times, but it is in the court house.

5980. The banner was raised high, was not it?—I do not know who was the standard bearer.

5981. If you do not know who the standard bearer was upon that occasion, I venture to think that the honorary secretary was not standard bearer at the time?—I had no flag to carry.

5982. However, you still hoisted the flag of Lord Clanricarde on this occasion?—We voted in the same way as Lord Clanricarde. At least, Lord Clanricarde rather voted in the way that we gentry were voting.

5983. And for the first time there was a coalition between Lord Clanricarde and Lord Clancarty?—I do not think that there was a coalition between Lord Clanricarde and Lord Clancarty. I do not think that that is a fair way to describe it. Lord Clanricarde agreed, I believe, to support Captain Trench, because Captain Trench started on liberal principles.

5984. As enunciated by his address?—As enunciated by his address.

5985. Had Lord Clanricarde, on the 5th of December, or before the 5th, agreed to support Captain Trench?—I could not tell you. I do not think that he had. I do not imagine that he had.

5986. On the day of the 5th Captain Trench was in town. On the day of the 5th Lord Clanricarde and those other gentlemen were present. Was not it then arranged that Captain Trench should be brought forward for the county?—I think that it was talked of, but there was no arrangement. It was talked of in the same way as other candidates were talked of.

5987. And then the meeting of the gentry was the final adoption?—A meeting of the gentry was then called to see whether they would support Captain Trench, and they agreed to do so.

5988. And, as Sir Thomas Burke said, this meeting was called to exclude "Captain Nolan and humbug," that is reported?—If it is reported, there is no use in getting me to repeat it.

5989. Did you on the 13th, or at any time between the 5th and the 13th, learn that the arrangement in Dublin at the Kildare Street Club, was, that if the one party supported Mitchell Henry on that occasion (that is a liberal), on the next occasion Captain Trench would be supported?—No, I do not think it. I never heard it, and I do not think that any such arrangement was entered into.

5990. You know nothing about that meeting?—If any such arrangement had existed, I think that I should have heard of it.

5991. You heard that there had been such a meeting?—I did.

5992. Had you in the course of your canvass reported to Lord Clanricarde what the result of the canvass was?—Yes; I wrote to Lord Clan-

ricarde occasionally. I told him that the tenants were inclined to vote for Captain Trench, to go with the landlords.

5993. I suppose that you wrote to Lord Clanricarde more than once upon the subject?—I wrote to Lord Clanricarde very often upon different subjects.

5994. But on the subject of the election?—I did write to him on the subject of the election, and I wrote to him on a great many other things besides, about shooting and hunting. I did not generally write on account of the election; it was talking about sporting.

5995. But in those letters you generally mentioned what the result of your canvass was?—I think that I did.

5996. And in addition to writing to him, you have said in your direct examination, "I had interviews with Lord Clanricarde and Lord Dunsandle on the posture of affairs"?—Yes.

5997. Did you mention to him about the 40 voters on your own estate, and the number of promises which you had received?—No, I do not think that I did.

5998. Did you mention to him as to what promises you had received from external outside your own estate?—I do not exactly recollect.

5999. But the letters are in existence?—No; I have no letters.

6000. You have not kept copies of them, but you sent copies to Lord Clanricarde?—I wrote letters.

6001. When the people said to you, "For God's sake let us off voting for Captain Trench," did you desire them to remain away from the poll?—I will tell you how I put it: I said, "If you do not vote for Captain Trench, I will expect that you will not vote for Captain Nolan." That is the way in which I put it. I did not order them to do it in a violent way.

6002. No doubt you would be incapable of anything either violent or unbecoming; but there are two ways of menacing everything. Did you desire them to stay at home?—I asked them to stay at home.

6003. You have talked of a man of the name of Kelly, to whom you applied to be an agent for Captain Trench. What character of agency was it?—To act as agent to collect voters, and, if necessary, to accompany them to the poll if they required anyone to go with them to the poll. It was that class of agency.

6004. And when Kelly declined that agency, did you employ anybody else?—No.

6005. Did you employ anyone?—No.

6006. Did you employ anyone to do anything at the election?—I did not employ anyone; I had not much for them to do. I thought that I was able to do the little which was to be done.

6007. About what time was it that Kelly refused to be employed?—I think it was some time in the month of January, or perhaps December—at the end of December or in January, as well as I recollect.

6008. Do you know that Mr. Sebastian Nolan was refused entrance into that meeting to which you have referred?—He was, I believe, refused admittance at the door; I am sure that he was, because I came to the door, and I found him and Mr. Burnopere outside. I understood that he was refused.

6009. Was not he sent away from the door?—I was not there. I could not tell you exactly whether he was sent away or not. When I came

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down to the door I found him outside, and he was talking with the doorkeeper.

6010. I am instructed to ask you did you, in person, refuse to admit him?—Perhaps I did, at first, but I know that I admitted him afterwards. I really will not swear that I refused to admit him, but I delayed for some time in admitting him, and perhaps I may have said that I would not admit him.

6011. Have you the slightest doubt that you refused to admit that gentleman to the meeting (pointing to *Sir Sebastian Nelson*)?—I have no doubt that I admitted him to the meeting, and I may have refused him admittance on his first coming to the door; I will not swear that I did not, but I know that I admitted him afterwards, and that he was in the meeting.

6012. What was the interval of time, between the time of your refusing the admittance of that gentleman to the meeting, and the time when you admitted him?—Perhaps half an hour, as well as I recollect. There was a crowd at the door for some time, and I heard that there was a great number of people pushing into the room, and as it was a private meeting, I went down to see that only the people came in who had got tickets, or at least, who had got invitations.

6013. Did not Mr. Nelson say that, if you persisted in shutting him out of that meeting, he would make it a personal matter with you?—I never heard a word of that; I will take my oath solemnly that I never heard a syllable of it; besides that, he could not have made it a personal matter, as I was only doing my business there, as secretary, and it would have been utterly ridiculous if he had made such a remark.

6014. Are you not now perfectly certain that you refused, at first, to admit him?—I remember that I delayed admitting him: that is all I recollect.

6015. Will you look at this general circular of Sir Thomas Burke's? Did you see it at the meeting (*holding the same to Witness*)?—I think that I saw it in the street, and at the doorway, and I dare say that I saw it at the meeting, too.

6016. And did you not see several copies of it?—Yes.

6017. And did not you see that Lord Clarendon read it?—I suppose that Lord Clarendon read it.

Re-examined by Mr. Sergeant Armstrong.

6018. As I understand you, that meeting on the 5th of December was quite a casual meeting?—It was; some of the people came into the office, and they began talking about the election.

6019. Was it the business of the fair that brought the gentlemen there?—It was.

6020. And there they talked amongst themselves, and I suppose that you talked amongst yourselves, as to the previous election meetings?—Yes.

6021. And that the lobby had not been consulted at all?—Yes.

6022. That the clergy had espoused the cause of Captain Nolan, without any consultation with the gentry of the country?—Yes.

6023. And you said that you would have your own meeting?—Yes.

6024. Would it be a correct thing to say that the gentry adopted the person selected by Lord Clarendon, or, that Lord Clarendon left it to them to select, and went with them?—Lord Clarendon left it to the gentry to select; in fact, I wrote down what he said at the time.

6025. It is not at all necessary to have that. He left it to the gentry to select?—Yes, and he said that the gentry of the county had supported his family as long, that not having any particular interest in any of the candidates, he would like to support anyone whom the country gentlemen brought forward and supported.

6026. As far as your own personal action went, and as far as you know of the minds of those who were associated with you in the matter, was the selection of Captain Trench a free and independent selection of the people of the county, Catholic and Protestant, independently of any influence of Lord Clarendon?—Yes, perfectly. I think Lord Clarendon was lukewarm in the matter; he said, himself, that he had no great interest in the election, and that he merely gave his support to the choice of the gentry of the county.

6027. You have been subpoenaed on the other side, and brought all the way from Brighton?—Yes.

6028. Are you aware of any coercion, or unfair pressure, brought to bear on any tenant, to induce him to vote, or to refrain from voting, as regards Captain Trench?—I am not.

6029. Had you anything to do with such conduct yourself; had you anything to do with coercing any tenant, either to go to the poll, or to stay away from the poll?—No, in no way did I coerce them to do it.

6030. Do you recollect, as matters proceeded, and as the agitation over the county progressed, whether there was any difficulty felt as to continuing the contest; was there any suggestion as to withdrawing from the contest at that time. As the election approached, do you recollect any general feeling in consequence of the state of the country, that that would be judicious; did anybody suggest it?—I believe that it was suggested, but it was not at all the general feeling; the general feeling was, that the contest should be continued to the end.

6031. Was there a general feeling among the gentry, with whom you and your friends were associated, that there was great terror.

Mr. Macdonagh objected to the question.

Mr. Justice Keogh overruled the question.

6032. Mr. Sergeant Armstrong.] Was there a resolution suggested; have you it in writing, in your pocket?—I have.

6033. Did you see anybody else, to your knowledge, ever threaten any temporal loss to any man for voting, or refraining from voting, upon this election?—I did not threaten any one, nor did I hear anyone threatened.

6034. Mr. Justice Keogh.] When you were speaking of the Clarendon banner, and the dire branch, and the standard-bearer, and all that sort of thing, was it figurative, or was there any banner?—It was completely figurative; I really regarded it completely as a joke. I think that Mr. Macdonagh understood it as such.

6035. Mr. Macdonagh.] When you told me that in 1839 you fought under the Clarendon banner, did not you tell me it was a figure of speech?—Yes.

6036. Mr. Justice Keogh.] There was nothing like a banner hoisted?—No; it would have been very hard to carry a banner at any meeting that I was at.

[The Witness withdrew.]

LADY ANNE DALY, sworn: Examined by Mr. Murphy.

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6037. Do you recollect the Sunday that you went to the service at Escar instead of to your usual place of worship?—Yes.

6038. Did you speak to Father Pelly on that day in reference to the coming election?—Yes; two or three times.

6039. Had you known from himself at all prior to that day as to any statement which he was about to make from the altar?—Yes; he said he was going to speak; that he should read out the resolutions, and that he intended to say a few words.

6040. Do you recollect whether you then made any observation as to absenting yourself from that church on that day, and going to a different one?—No; I do not think I said so to him.

6041. On the point of fact, on the Sunday that you expected it you went to the Escar church?—Yes.

6042. On the succeeding Sunday after that, when you went to the Escar church, did you attend Divine Service where Father Pelly officiated?—Yes: at Villiam chapel.

6043. Do you remember bringing with you to the church any note or writing for Father Pelly?—Yes.

6044. I believe that when you came to church you were unable to see the reverend gentleman himself and hand it to him with your own hand?—I forget whether I handed it to him, or whether I left it there; but I spoke to him.

6045. Did you speak to him in reference to what you had written?—Yes.

6046. What did you say to him then in reference to what you had written?—I said I hoped that he would take it as no personal insult to himself, for when we both felt the greatest respect, but that my husband had the strongest objection, and had always expressed it, to remain in a chapel where there was any political discourse; and further he said, that it would make him look like a fool if he remained in a chapel while his voters were desired to go in a way contrary to the way in which he thought it right for them to go.

6047. Did you say anything further than that, or did you make any request for Father Pelly as to the time at which he would introduce the subject?—I think I said I hoped he would finish mass before he began to speak, which he did. He gave us plenty of time to get out of the chapel.

6048. He told you, I believe, that he would do so at the time that you were speaking to him?—I think he said he would finish mass before he began to speak.

6049. And, in fact, the reverend gentleman did finish mass completely, and allowed you to withdraw, before you heard him make any reference to the election?—Yes.

6050. Do you recollect, in company with Captain Daly, seeing any of his tenants who were voters, subsequently to that?—It was previous to that.

6051. In what village was it that you met them first?—The village of Ballyhara.

6052. You were driving a little pony-phaeton through it?—He was driving, and I was sitting in a little pony-cart.

6053. Did you hear what his tenants said to

him there in reference to the condition in which they were placed?—Yes.

6054. What was it they said?—They talked a great deal. They expressed great willingness to vote with him, if he would go with them to the poll. There was a little denouncing at the beginning, and one man said to me: "I mind nothing but the clergy: they are terrible." And then he said subsequently: "I mind nothing but the priest's curse; not that our priest has cursed us, or would curse us, but I hear they are doing it in other parts of the country." I said: "If you are doing what is right, you need not mind the priest's curse any more than I do, and that is that much" (snapping her fingers). That man was not a voter; he was a voter's son.

6055. It was in the presence of the voters that he was speaking?—Oh, yes.

6056. That man's name, I believe, was Dooley?—Yes.

6057. Do you recollect his saying anything to you upon that occasion with respect to the captain's danger, or anything threatening him?—Yes; while my husband was speaking to the other voters, he led the pony away out of the lane, and when we were away he said: "I am not thinking of myself, I am thinking of my master" (or "of the master"). "Do not let him be out late at night," or "Do not let him go out alone, or he will get a knock," or "he may get a knock." I think those were the words. None of his voters were in Father Pelly's parish.

6058. In whose parish were they?—In the Rev. Mr. Head's.

6059. When he said that their priests had not either cursed them or threatened them, that referred to Father Head?—Yes; that he had not cursed them, and would not do so.

6060. Do you recollect on any occasion getting a letter yourself from some unknown person?—Yes.

6061. I believe you are aware of that letter having been forwarded to Dublin Castle by your husband?—Yes. (The letter was produced by an official from Dublin Castle, and headed to Mr. Murphy.)

6062. Will you look at that, and read it, if you please (handing the letter to the Witness)?—(After looking at the letter.) It is not necessary for me to peruse it; I am sure it is the same.

6063. It is dated "Loughrea, 12th January, 1872." Did it reach you through the post?—Yes.

Mr. Murphy read the letter, which was as follows:—

"Loughrea, January 12, 1872.

"Madam,—

"Having heard of your wonderful achievements in canvassing for votes amongst your tenantry, I sought you at the meeting of yesterday to congratulate you on your truly Catholic principles, and on the very ladylike manner in which you tried to purchase the consciences of a down-trodden peasantry. Has the honourable secretary divided the dirty work with you? or does he fear Rory, whose patience is almost exhausted, and whose gallantry, I fear, will severely prevent him from punishing even a lady, when,

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like your ladyship, she forgets what is due to her country and her faith.

"Beware of him, Madam, and rest assured that your present position is an unenviable one. As the wife of a rascald, and sister-in-law of a recreant Scottish old baronet, it is meet that you, too, should become notorious; you should have come to the 'gentle meeting,' where your eloquence would have had full scope, and be more appreciated than, I fear, it has been by your wily tenantry, who are 'of their own opinion still;' but treat them gently, and on the polling-day I would humbly suggest that you lead them separately by the nose; but as nature may have curbed them in that feature, you might prevail on the honourable secretary to lend his to each in their turn. — *One who feels ashamed of you.*"

6064. Mr. Murphy (to the Witness). Had you received that previous to the day which you mentioned on which you spoke to the tenants in this village?—Oh, no; subsequently.

6065. How many days subsequently to that did you receive this letter?—I cannot tell; it might have been a week, it might have been less.

6066. Were you present at any subsequent interview to the one of which you have told us in this village, between Captain Daly and his tenants?—Yes; on the eve of the poll we drove to see some voters, and they said we could not ask them to vote for Captain Trench then; that the state of the country was dreadful, for some of them said they had pigs to sell that they ought to have sold five weeks before, and that they were afraid to go to market; and one man said—"In Athlery the other day, I had to declare that I was Mrs. Galway's tenant to get out safely. I was afraid to declare that I was Captain Daly's tenant, since he has been known to be such a warm supporter of Captain Trench."

6067. He said that he was obliged to state that he was a tenant of Mrs. Galway's in order to escape with safety?—Yes; from Athlery.

6068. Do you recollect any person who had not a vote interfering that day, and making any observation?—No; that was on a former occasion. While we were speaking to the tenantry and they were telling us the nonsense, how much they admired my husband and loved him, and would throw themselves into a bog-hole for him, and all that, a non-voter came up. They were promising to vote with us for Captain Trench, and this man came up and said, "If I had a vote I would give it to Captain Nolan." I got very much annoyed, because I knew the non-voters had been appealed to. I said, "In that case, if you had a vote, my advice to your landlord would be to treat you as Captain Nolan treats his tenants."

6069. You suggested that he should have the full benefit of his patronage?—Yes; since he admired it so much. I meant that my husband might imitate his example with regard to the man. I suppose that is what I meant. I was angry at the moment, and spoke on impulse.

6070. Were those occasions which you have mentioned to us the only ones on which you had any interview with the voters, tenants on Captain Daly's estates?—I had a letter on one occasion from my husband to a man whom he had asked to act as his agent, and I read the letter out to the man. My husband was away at the time.

6071. Was that a man named Kelly?—That was a man named Kelly.

6072. Do you recollect what observation he

made upon your reading the letter?—Whatever we might do to vote for Captain Trench we could not take employ from you, we should not be safe in doing so.

6073. Do you recollect seeing the letter to which Captain Daly so referred, written by a tenant named Curley?—Yes.

6074. Were you present when Captain Daly gave his recollection as to that?—Yes.

6075. Does that accord with your recollection?—Yes, that exactly coincides with my recollection; that he was sorry he had not seen him on the day that he went to Rosford; that Mr. Daly could not be aware of the state of the country, or he would not expect his tenants to vote for Captain Trench; and in conclusion, he said, if they voted for Captain Trench (which we understood they would do), he would go with them.

6076. Do you recollect as to his stating any further why they could not safely vote for Captain Trench?—I forget what reasons he gave; the state of the country, I think. "You cannot be aware of the state of the country," or something like that.

6077. Do you recollect any old man on the estate coming to you at any time and speaking to you with reference to the election, stating something similar to what you said that Dooley stated to you in the village?—I think on the eve of the poll, the miller's son, talking to us when we were both together—

6078. Mr. McDonagh. Was he a voter?—No.

6079. Mr. Murphy. Was he giving you any warning or caution?—That my husband was in danger.

6080. Yes; was it anything of that nature?—The only thing was this: I drove through Loughrea on the day of Captain Nolan's meeting in Loughrea. There was a crowd opposite Taylor's Hotel, where my husband stopped to order a car to go into Galway to the train that night, and a man put his head into the carriage (Mr. Blake, I think, was with us also), and said, "I wish you safe home, anyhow." He said that just as the carriage went, "I wish you safe home, anyhow."

6081. Did the man that called on you on the evening preceding the polling use any expressions, either putting you on your guard or anything of the kind?—No; the man called upon me.

Cross-examined by Mr. MacDonagh.

6082. Will you tell me, if you please, at what time you received this letter? It is dated the 12th of January?—I should think I received it the following morning.

6083. You say that the tenants said to you that although their priest would not curse them, or did not curse them?—One man said that.

6084. In the presence of the others?—The others were there; they may not have been listening.

6085. However, one man said to you that they had no apprehensions from their own priest, but they heard that other priests would be more scrupulous?—That they had been doing it in other parts of the country.

6086. That they heard so?—Yes.

6087. Of course you are aware that that was only a statement?—It could have been nothing but a statement, I suppose.

6088. I think he said that Curley was the person who wrote the letter to your husband, representing the danger to arise from the state of the country?—Yes.

6089. Is

6089. Is he not the same Curley who has a farm from Captain Blakeney?—I believe he is, but I have never seen the man to my knowledge. I may have seen him.

6090. Were you here yesterday, when Captain Blakeney's tenant proved that a similar letter, written by him to Captain Blakeney, was an excuse to free them from any disturbance on the part of the landlord?—I do not know that it was a similar letter, and they could not have known that it was a similar letter.

6091. Were you in court at the time?—Yes.

6092. Do you know Father Pelly very well?—Very well.

6093. And you said that he was a man of admirable and excellent character?—A man of excellent character, and not likely to do anything wrong.

6094. You say that upon one occasion your tenants were bestowing great praise upon your husband?—Yes.

6095. Speaking nonsense, you say; I do not call it nonsense, but you called it so?—I thought it nonsense repeating it; that is what I meant.

6096. Do you not think that they were extremely anxious at the time to conciliate your husband's good feeling towards them?—There was no necessity to conciliate it; they had it.

6097. Do you not think that their bestowing upon him this great praise showed that they were anxious to conciliate his good feeling towards them?—I really do not know what was passing in their minds.

6098. We have had opinions as to their fears?—They expressed their fears to me, and they were expressing their admiration for my husband.

6099. And you considered it great nonsense at that time?—No; I said that I thought it was nonsense my repeating it here. I was glad that they felt so to him.

6100. Why do you think that they selected that particular occasion to express it?—He was asking them to vote with him.

6101. Pressing them to vote with him?—He was asking them; I did not say pressing them.

6102. Would you say that he was pressing them?—I repeat what I said; he was asking them.

6103. I am sure he was asking them, but could you safely say that he was pressing them?—I think he answered all their objections in a way that convinced them that they ought to go with him.

6104. Do you think that he was pressing them?—I have answered your question in so many ways.

6105. If you will say that he was or was not pressing them, I shall be satisfied?—They demurred slightly, and made objections, and one man talked of the priests, and another man talked of his fears, and another man talked of Lord Clancarty's son, and there were objections; but they allowed themselves to be overruled; they allowed themselves to be persuaded that he would not recommend any one to them whom it was not desirable for them to vote for.

6106. You say that some of them spoke of the priests, and some of Lord Clancarty's son, and I think you say he overruled those objections?—I say he persuaded them.

6107. Did you not use the word "overruled"?—I did, and I corrected myself immediately.

6108. But you did use it?—I thought the

other a more fitting word to express what I meant.

6109. Having regard to the objections which they had raised, and to the fact that Captain Daly so successfully removed their objections, and convinced them of what they ought to do, do you not think that you would be safe in saying, without going too far, that he was pressing his tenants to vote with him?—I might be safe in saying many things, but I prefer adhering to my own expression to adopting yours.

6110. Any expression of mine would be much inferior to any of yours, but I have a right to ask you, and I believe it to be my duty to ask you, whether you considered that your husband, having regard to all that you have told us, was pressing his tenants to vote, notwithstanding the objections that they raised?—I think that he was explaining to them why he voted, and why what he considered right for himself as a good Catholic, and in every way, was right for them. They talked of their religious scruples, and talked of Lord Clancarty's son, and talked about nuns, and all that sort of thing.

6111. What did they say about nuns?—He had a sister, who was a nun.

6112. Who had?—My husband had.

6113. Did they say what course Lord Clancarty had adopted with respect to the nuns in Ballinaloe?—Yes; they said that he had not wished them to take charge of some place; a workhouse, I think.

6114. Did they say that Lord Clancarty had, for a number of years, excluded the nuns from attending at the workhouse at Ballinaloe?—I cannot remember exactly how they expressed it.

6115. They spoke of the workhouse?—Yes.

6116. And of the exclusion of the nuns?—Yes.

6117. And they reminded Captain Daly that his own sister was a nun?—Yes.

Re-examined by Mr. Murphy.

6118. Without adopting my learned friend's word "pressure," did Captain Daly, on that occasion, use any threat whatsoever of any kind to his tenants in case they would not vote as he liked?—None.

6119. Did he threaten them in any way whatsoever?—Nothing of the sort.

6120. Was there anything approaching to a threat on his part?—Unless you consider what I said, a threat to a man who had no vote; that is the only thing.

6121. That was the nearest approach to a threat?—Yes.

6122. But other than that, did you hear a threat uttered by Captain Daly?—Nothing of the sort. He explained to them that he would not punish them; but he asked them to believe in him, and to believe that, when he represented Captain Trench to be a fitting member, he was so.

6123. And some of them, you say, put forward their apprehensions of the clergy?—Yes.

6124. And some of them put forward their apprehensions of the state of the country as to violence?—Yes; they talked of the mob.

6125. And others spoke of their personal grounds of objection?—Yes.

6126. Personal, I mean, as to Captain Trench?—Not as to Captain Trench; they never said anything personal against him.

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6127. But

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6127. But so far as it might affect them as to anything that they might have heard with reference to my Lord Clanorby. Did Captain Daly do anything more whatever on that occasion

than endeavour, by the reasons which he put forward, to show them that those objections were not well-founded?—He did nothing more.

[The Witness withdrew.

Mr. GEORGE MORRIS sworn; Examined by Mr. PERCE.

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6128. I BELIEVE that you are a voter for this county?—I am.

6129. And also an agent for several properties?

—Yes.

6130. And a receiver under the Court of Chancery?—Yes.

6131. Do you remember, in January last, about the 18th or 19th of January, going, in company with another gentleman, to Kinsara?—Yes.

6132. Did you call upon any voter in the neighbourhood of Kinsara for the purpose of canvassing?—I did, accompanied by the other gentleman; to canvass for votes for Captain Trench.

6133. I believe that Captain Blake Foster was the other gentleman?—Yes.

6134. Will you give me a little narrative, in your own words, of what took place on that day?

—Captain Foster and I proceeded from Galway on a car. We arrived in Kinsara, I think, about 11 o'clock in the day, and we left the car there, and got a fresh horse and car. We went out to the country parts, where the voters lived; and we went, I think, to most of their houses, and we canvassed their votes. The days were very short at the time; and we spent the greater part of the day making the tenants to vote. A considerable portion of the time, I think it right to say, was spent in conversation with the tenants, upon many subjects; and several of the tenants insisted that we should take a drink in their houses, as we paid them a visit, and so on. And when we were coming back to the town or village of Kinsara, as you might call it, we were informed—I believe by the desire or request of the sergeant of police; but, at all events, a gentleman did inform us—that if we went into Kinsara our lives would not be safe; that an organised mob had been got up during the day, in consequence of our having presumed to ask the tenants to vote for Captain Trench. Captain Foster asked me: "What are you going to do?" I said, "Well, if I was to lose my life, I never was afraid yet. I will go into Kinsara." We proceeded into Kinsara; and, as we were going into the town, a mob of, say about 200 (but out of the 200, I think, about 150 were boys and girls of from 9 to 16 years of age), were all shouting in a most violent manner, and some of them were beating kettles with sticks. It was almost the most uproarious proceeding that I ever witnessed in my life. We proceeded down the town a little. I had a large umbrella, and I thought it prudent to keep my umbrella between my face and the mob; and when we got a little further through the town, they commenced pelting mud. We desired the man to pull up at a house kept by Mr. Faby, which is called an hotel, and which is also used as the post office. Captain Foster and I jumped off the car as quickly as ever we could, and we ducked our heads, and got into the house as quickly as possible. As we were going in there were several stones pelted; none of them struck me. Either

I sent for the sergeant of police, or he came up. I do not know which, and I spoke to him about the state of the town. Up to that time I had been vain enough to think that I was very popular in that district; and I said I was quite surprised at such an attempt being made to prevent a man from legitimately canvassing the tenants or any persons to vote for Captain Trench. He said that he would go out and try what he could do; that he had only two or three policemen in the town. At all events, those people paraded the town, and kept shouting and huzzing, and they used to come to the window and use threats: "Your life is not safe if you come out"; "You dog, we will have your life"; "You jumper," and such expressions as that; and the upshot of it was, that Captain Foster and I were kept prisoners there until, I think, 11 or 12 o'clock at night. I think it right to say, that a reverend gentleman in the town was giving drink to the mob. I do not know whether he was so or not. I was informed that the Rev. Mr. Forde had given drink to the mob. I do not know whether it was so. I merely say so to give him an opportunity of clearing his character.

6135. Mr. Macdonogh.] I do not understand you to say that it was a voter who told you this?—Well, I do not think it was a voter who told me; but more than one told me, both at the time and since.

6136. Mr. PERCE.] Had the mob the appearance of having taken drink?—Later on I think they had. They became more violent as we were kept prisoners there.

6137. At what o'clock did you get released from this state of bondage?—I think I got back to Galway about one or two o'clock, and I suppose that it takes about two hours from Kinsara to Galway. We took very good care to remain there until the mob had been tired out, and had gone to bed.

6138. Mr. Justice Keogh.] On what day was this?—It was on either the 18th or the 19th of January, I forget which.

6139. What was the day of the election?—The 3rd or 4th of February, I think.

6140. Mr. PERCE.] Do you recollect some time previous to the election, in the month of December, canvassing some voters at Gurnamona?—Yes; on the 26th of December.

6141. Did they promise you to vote for Captain Trench?—They expressed the greatest pleasure in voting for Captain Trench, and stated that, so far from having any feeling towards Captain Trench, they had, in 1859, recorded their vote for Lord Dunlo. My reply to that was this: "Lord Dunlo was too extreme for me. I did not support him."

6142. A short time subsequent to that visit, did you hear anything of what is called a "station" having been held at Gurnamona?—I did.

6143. Subsequently to that station having been held, did you receive any communication as to the voters having changed their intention of

of voting?—I received a letter, which I have looked for and cannot find.

6144. What was the substance of it?—The letter was from a man of the name of Kenny. He is not a voter, but his brother is. It is also right to say that he is my half-brother over the property.

6145. Will you tell me the substance of it?

Mr. Measham objected to the question.

Mr. Justice Keogh allowed the objection.

6146. Mr. Perce (to the Witness). Had you any subsequent interview with the Gurnismona tenants?—Not after the receipt of that letter. I thought it useless.

6147. Were you aware of how they voted afterwards?—I believe they all voted for Captain Nolan.

6148. Do you remember about the 15th or 16th of January canvassing a voter of the name of Cannon?—I do.

6149. Did Cannon express any fear, or give his reasons for entertaining any fear of voting at the approaching election?—Cannon lived on an estate where there were, I think, either nine or ten other voters, over which I am neither agent nor receiver. I am trustee to the estate for the benefit of my nephews. I was asked to ask these tenants to vote for Captain Trench, not by Captain Trench, nor did I go voluntarily, and I proceeded to ask those tenants about the middle of January to vote for Captain Trench. There is a property in the neighbourhood which is owned by a very near relative of mine, on which there are two voters, and those two had previously promised me to vote for Captain Trench. I understood that one of them died from congestion of the lungs, but he died very shortly afterwards.

6150. What was his name?—John Daly. He died just about this time, and Daly, previous to his death, had told me that there had been great pressure brought to bear upon him not to keep his promise and not to vote. When I was canvassing this tenant, I remember Cannon in particular saying, "Oh, sure, you do not want us to vote for Captain Trench? Look at the fate of John Daly, your own tenant," as they were pleased to call him. I said, "You do not mean to say that he died because he promised me to vote for Captain Trench?" and, as well as I remember, the exact words which he used were, "Well, the priest said he would never vote for Captain Trench, and he is dead."

6151. Do you remember canvassing a voter of the name of John Roland?—I do, on the same estate.

6152. Did John Roland express any fear of voting?—He did.

6153. What did he say?—He stated to me that if he voted for Captain Trench, he would be started like a hare from the chapel door, and that the congregation would be started as bounds to hunt him.

6154. What did he say would happen if he voted against Captain Nolan, or if he voted against Father Kenny?—I am not exactly sure. I would not like to swear whether he said that the priest said it or not.

6155. Do you know the parish in which this John Roland lives?—I know that he lives in the parish of Killebreese.

6156. Do you know who is the priest of that parish?—The Rev. Mr. Kemmy.

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6157. Do you know a voter of the name of Murphy?—Yes.

6158. Did you canvass Murphy?—I canvassed Murphy; is that village there were two voters, I think; another man of the name of Roland—Stephen Roland—and John Murphy.

6159. What did John Murphy say?—They both expressed the greatest desire to come and oblige me, and I had known them personally, every one of them. They both expressed the greatest wish to come with me, but both distinctly stated that they were afraid. All the tenants on that place, in fact, volunteered to say that they did not intend to vote at all. They said, "We have made up our minds."

6160. Did Murphy tell you that the priest had told him anything which induced him not to vote?—As well as I remember, the expression which Murphy used was this: he said that the priest had told him he knew me personally for a long time, and that he was quite sure that I would not do him any harm or injury if he would refrain from voting for Captain Trench, disobliging me on this occasion, and that it was much better for him to incur my displeasure than anyone else's. That is as well as I recollect the words.

6161. Did the priest say anything at all about his religion?—Yes, the great bulk of them told me that it was a question of their religion, and that they had been told so.

6162. You say that you canvassed Stephen Roland?—Yes.

6163. Did he express any wish or anxiety to vote for Captain Nolan; did he say anything about Captain Nolan?—He did.

6164. What did he say?—Stephen Roland stated to me, I can almost say that he volunteered to state to me, that from the character which he had heard of Captain Nolan as a landlord, he would as soon vote for the devil, as well as I remember, as for him.

6165. But notwithstanding that predilection against Captain Nolan, was he going to vote at all?—He stated to me, and volunteered the statement, that under the present circumstances, they thought it safer and more prudent to remain at home.

6166. Why did they think it more prudent and safer to remain at home?—I am satisfied in my own mind that it was from fear.

6167. Did they state why they thought it more prudent not to vote?—They stated that they were in dread and fear of their lives, distinctly. I think I offered that they should come into my house the evening before the election, and go in quietly to the poll; and they stated in reply, that it was not so much that, but that they would be marked men, and that they would be afraid afterwards of the mark.

6168. Did you canvass some voters in the neighbourhood of Spiddal?—Yes.

6169. Did they promise you to vote for Captain Trench?—They promised me to vote for Captain Trench, distinctly.

6170. I believe that you yourself proceeded to vote at Oughterard?—I proceeded the evening before the poll from this to Spiddal in order to accompany the Spiddal voters, as they call them, to the Oughterard poll, as I thought, up to my going to Spiddal, that these men would have gone with me.

6171. Did you start the next morning with any tenants who were voters, to the poll at Oughterard?—I arrived at Spiddal the evening before the poll, and two or three of the voters

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who were tenants, came down; and they were dreadfully afraid, and said they could not possibly go with me the next day, and they made exactly similar statements as to the dread and fear they were in. My answer was this: "Some of them stated that I would be murdered myself if I went, and advised me strongly not to go." I replied to them, to give them some kind of courage, "Well, I hope if anybody is murdered, I will be the person, and that none of you will be injured. I will start from here at half-past six in the morning, and any voter who will come with me I shall feel greatly obliged to." The next morning I started; I forget whether there were three or four voters who turned up, and came with me. Some of the people in the village of Spiddal said it was a great shame the way that I had been treated, and I think five or six non-voters volunteered to go up as a kind of escort, and said that wherever I went, they would go and escort me.

6172. You started from Spiddal?—I started from Spiddal to go to Oughterard.

6173. On your way to Oughterard did you encounter any obstruction?—Almost a mile or a mile and a half out of Spiddal, I was sitting on the first car, we were going down a hill, and just at the hollow of it, a very extraordinary place, there was a large dyke; in fact, the road had been cut right across, in the middle of a bog. It was cut in such a way as that when the horse and car would be driving down the hill—really, I think it was a wonder we saw it until we tumbled into it.

6174. You got to Oughterard?—We all stripped, I might say, or took off our coats, and got the horses across and dragged the car across, and proceeded to Oughterard.

6175. How many voters reached Oughterard in company with you?—I think it was either three or four.

6176. When you got to Oughterard, were you able to go to the poll at once?—We had an escort, or I do not think we would.

6177. Of what did that escort consist?—We had some of the Lancers, I think, at all events cavalry of some kind.

6178. Can you give a description of the state of Oughterard on that occasion?—Most violent. I think it would be almost impossible for it to be worse; it was not quite so bad when I came in. I came in a little early, but it was growing worse every moment afterwards.

6179. Did you witness Sir Arthur Guinness coming up with his voters to the poll?—I witnessed the scene as described by Sir Arthur Guinness here. I was looking at it.

6180. Did he overstate the circumstances in any way?—No, certainly not. I think he gave a perfect description.

6181. Did you see a man of the name of King upon that occasion?—Yes, I saw two or three respectable men (I think one of them was the owner of property, they were very large farmers) walking down together to vote. I knew them, and shook hands, and I turned back to the Court House with them, and they voted. The moment they voted, the word was passed out of the Court House, from one person to another, that they were "Trenchites." As well as I recollect, that was the expression. I walked up and attempted to go up to the hotel with King, when they saw, I think, his name was John King, or Pat King (but it is immaterial—one of them), they com-

menced throwing stones, and I saw him struck on the head and very badly cut. I think he ran, and I thought it more prudent to walk fast, to say the least of it, and I disappeared.

6182. I believe you attended what is called the Loughrea meeting?—I attended the Loughrea meeting; not Captain Nolan's Loughrea meeting. 6183. But what is called the landlord's meeting?—Yes.

6184. Were you aware that previous to that meeting a good deal of dissatisfaction existed among the Catholic laity with reference to the meetings of priests and bishops at Clifton, Tralee, Gore, and elsewhere?—I believe there was a very great feeling aroused to that effect, but it was particularly and peculiarly strong in my house, I might say.

6185. Had you heard anything before that meeting of Mr. Sebastian Nolan's threats?—I heard Mr. Kelly swearing to it here, and I have heard the language used by Mr. Sebastian Nolan generally talked of. Language such as Mr. Kelly described. Mr. Sebastian Nolan never spoke to me on the subject of the election at all, but I heard it generally spoken of amongst the gentry.

6186. Were you at what was called the meeting on the fair day at Loughrea?—No, I was not at the meeting. I met Captain Daly in the street. It was the fair day, and he asked me what my opinions were, I think. He seemed to be going about there to know what the opinions of the people were. I told him, and I said, "It is not necessary for me to go in."

6187. Further than that had you anything whatever to say to the getting up of what is called the "Loughrea Landlord's Meeting"?—Nothing on earth. Until one o'clock the day before the meeting, I did not intend to go to that meeting.

6188. Do you remember the nomination day here on the 3rd February last?—Yes, I remember it.

6189. Were you in Captain Trench's box on that day?—I was.

6190. Did you assist or did you hear anybody get up the Kentish fire when his Holiness, the Pope's name was introduced?—At no time during the proceedings on the nomination day do I remember anything approaching Kentish fire from Captain Trench's box, and as far as I can swear, it did not occur.

6191. Were you here subsequently on the declaration of the poll?—No, I was not at the declaration of the poll.

6192. In reference to another matter you have told us that you are an official under the High Court of Chancery in Ireland?—Yes, I am an extensive Receiver.

6193. A statement was made as I will read it out to you. I wish to know whether it is true or not: "Mr. George Morris has not hesitated to compromise, in the eyes of the people, the High Court of Chancery and the character of the first Catholic Lord Chancellor." Did you ever compromise the High Court of Chancery or the character of the Lord Chancellor. Then there are "Three cheers for the Lord Chancellor." I suppose you had no objection to that as an official of the court. "Mr. George Morris, setting not only the Constitution but the law at defiance, has actually used the influence which he has derived from his appointment by the Lord Chancellor, to influence, and I might almost say, to coerce
tenants

tentative to vote against their consciences, and their inclinations." Did you ever use that influence, or any influence, to coerce tenants to vote against their consciences and inclinations?—Neither as Receiver, nor agent, nor private individual.

6194. "Even in properties where the next of kin to the landlord himself, under the protection of the Court of Chancery, were in my favour, where Mr. Morris had no influence whatever, save such as he derived from his official appointment by the Lord Chancellor, he has not hesitated to use the Chancellor's influence in direct opposition to the wishes of the next of kin, and the feelings of the tenantry." Did you ever use the Chancellor's influence in direct opposition to the wishes of the next of kin, and the feelings of the tenantry?—I never presumed to use the Lord Chancellor's influence in any shape or form.

6195. Or as Receiver?—Never. I never mentioned his name, nor any of his officers.

6196. Is there any foundation for that from the beginning to the end?—Certainly not.

6197. In consequence of a speech of Captain Nolan's did any correspondence take place between you and him?—Yes, that speech to which you refer.

6198. Do you produce a letter dated the 5th February, 1872, addressed by Mr. George Morris—

Mr. Meadeagh objected that the private disagreement between these two gentlemen was not a matter which ought to be inquired into in this case.

Mr. Justice Keogh agreed that if this matter were anything private, it was not desirable that it should be gone into.

Mr. Sergeant Armstrong stated that it was not anything private, but a public correspondence on a matter connected with the election, that it was pending the election and before the polling day.

6199. Mr. Perce.] "Well Park, Galway, 3rd February, 1872. Sir,—My attention has just been called to a report of a speech in the 'Weekly News' of this day, purporting to have been delivered by you at Milltown, in this county. I enclose the extract for your perusal, and I request you will inform me whether you avow it or not.—I am, Sir, your obedient servant, George Morris." Then the reply to that is dated "Ballinacorney, Tuam, 3rd February. Sir,—I have made twelve speeches in this election. Any one finding fault with these, or with any portion of these, must use his own judgment regarding the accuracy of the report.—I have the honour to be, obediently yours, J. P. Nolan." The next letter is dated "Well Park, Galway, 5th February, 1872. Sir,—I have to acknowledge your evasive reply to my letter. The number or general character of your speeches is to me a matter of perfect indifference, and I must decline the severe task of becoming censor of them. You are reported in the 'Weekly News' (and, I find, also in the 'Nation'), as introducing my name into one of your twelve speeches, accompanied by observations I now brand as false and libellous. The only materials I have to draw any inference from as to the accuracy of the report are that I believe the proprietor of both these journals was one of your arbitrators on your Port-Carron award. The high sense of honour which is characteristic of the military profession must, I hope, prevent any member of it from attempting to escape the responsibility of his words. I must,

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therefore require you to inform me whether you avow or disavow the report of your speech referring to me, contained in the newspaper of your friend.—I am, Sir, your obedient servant, George Morris." The next letter is dated "Ballinacorney, Tuam, 7th February, 1872. Sir,—In reply to your letter of the 5th, I beg to remind you that you forwarded me a letter on the 3rd, to which you requested an answer by return of the bearer, a request with which I complied. I have now more leisure than I enjoyed on the nomination day, and will answer your last favour at greater length. Both your letters appear to me to be written with a double object; but although this method is not generally considered to impart a high tone to correspondence, I will not now comment upon it. With reference to the twelve speeches I have made in the late contest, I have no desire or intention to test in every case the accuracy of the reports given upon them; and before I take trouble in this particular instance, you must inform me of your object in making those inquiries. If you desire to institute legal proceedings (and a portion of your letter reads as if drawn up by a member of the legal profession), in that case I decline to make the trouble of investigating the exact phraseology I employed at my meeting. If, on the other hand, you declare that your object is not litigation, I will use all pains to make quite sure of knowing exactly what I did say, and I will give you that information. Now, as to your letter of the 5th, you state therein that my reply of the 3rd was evasive. It was not evasive. You state, and you wish me to allow, that certain observations were false and libellous. Those observations were neither false nor libellous. As to your entreaties on the military profession, and your statement that a gentleman owning a newspaper is my friend, although this portion of your letter is true, it is not new. I have the honour to be your obedient servant, J. P. Nolan." The next letter is dated "Carraun, Craughwell, 16th February, 1872. Sir,—Your letter was forwarded to me here. I repeat, your first letter was most evasive; it did not give any reply to the question I asked you; and I have now to add that your last rambling letter is equally evasive. I may not have inherited any legal training; in that respect you have an advantage over me: but as a country gentleman, I thought an officer would, in the spirit of his profession, be ready at once to avow or retract his language. But the military profession, like every other, must now and again contain a swaggerer. Further correspondence with an individual whose sole anxiety seems to be to screen himself from the possible consequences of his words, would be worse than useless. I therefore now conclude it with this intimation, that I have given directions for proceedings against your friend in consequence of your shirking.—I am, Sir, your obedient servant, George Morris." Is that a correct report of the correspondence?—Yes, it was furnished to the newspaper by my solicitor.

6200. Did Captain Nolan ever make any retraction whatever of the charge contained in his Milltown speech?—Never to my knowledge.

6201. Was that charge contained in his speech false in substance and in fact?—It was grossly false.

6202. It was made preceding the election?—A few days before it.

Mr. Sergeant Armstrong called the attention of the Court to the fact that the "Weekly

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"Weekly News," in which the report of the speech occurred to which the Witness's attention was called, was a paper whose proprietor's accounts had been paid in full, according to the Election Expense Agent's return.

Mr. McDonogh stated that what had been paid for was the advertisement of the address.

Mr. Sergeant Armstrong stated that the newspaper now in question was the "Weekly News," and not the "Tuan News."

After an Adjournment,

Mr. GEORGE MORRIS, re-called; further Examined by Mr. Perce.

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6203. I ASKED you about some voters whom you canvassed, and I want to ask you about another voter named Pat Farrey; you canvassed a man of that name?—Yes.

6204. He promised to vote for Captain Trench?—Yes.

6205. Tell us about it?—I had mentioned that the voters in that neighbourhood had come into my house on the evening before; I did not see them afterwards; and one voter arrived on Monday morning (the polling, I think, was on Tuesday), at a very early hour, at my house, and I had an interview with him. I can fairly say that he interviewed me not to ask him to fulfil his promise.

6206. Mr. McDonogh.] What was his name?—Patrick Farrey. He stated, in very strong language, that the state of the country round him was so excited that he did not think that his life or property would be safe if he voted; and my reply to him was, "Farrey, you may do just as you like. By your coming here, and showing your inclination to fulfil your promise, I am as much obliged to you as if you voted." I believe that the man remained at my house until the evening, and he went home that night and did not vote at all.

6207. I believe that you are the agent over Sir Thomas Burke's property?—I am; I have been since September or October.

6208. I wish to ask you, did you at any time use any threat, or endeavour to coerce any voter or anyone on Sir Thomas Burke's property?—Never.

6209. And did anyone to your knowledge do so, or did you ever hear of anyone having done so?—I never heard of anybody doing it, and I do not believe that it was ever done. I believe that Sir Thomas Burke is incapable of doing it.

6210. Will you describe the general state of the country, according to your observation; I believe that you travel a great deal throughout the country?—I do, both by night and by day.

6211. Will you describe the general state of the country?—As near as I can go to it, I think that it was quite approaching a rebellion—a revolution. I can describe it in no other language.

6212. Was it a rebellion against social order?—I think so; against fair play. Whenever a supporter, or a supposed supporter of Captain Trench's appeared, he was hooted, and yelled, and groaned, and shouted at, and called names, and most unmeaning grimaces were made in his face.

6213. Did that take place throughout all the parts of the county which you had an opportunity of observing?—I think so.

Cross-examined by Mr. McDonogh.

6214. I believe you are the agent for a large number of properties in this county?—I am.

6215. How many?—I could not tell the number; I could perhaps show nearer the rental. I think that the county Galway is something over 20,000 £ a year.

6216. With respect to a person of the name of Daly, I believe that you are the receiver under the Court of Chancery?—In the case of Daly?

6217. Yes?—Yes; I think that the suit is a suit of the creditors. The property is in the Landed Estates Court, and about being sold.

6218. Daly, I believe, died in July last?—He died last summer. I do not know when he died.

6219. Was the name of the property Kilmorra?—A part of it is in Kilmorra, and a part in Clure, and a part of it the neighbourhood of Tuam, adjoining the domain of Mr. Charles Kelly.

6220. Did you happen to know that Mr. Daly, who had died in July, had some time before his death promised Captain Nolan his support?—I do not know what Mr. Daly promised, or said, or did. To my knowledge, I never had a conversation with him in my life upon the subject of the election.

6221. The tenants knew that you were receiver under the Court of Chancery?—I presume so.

6222. You have no doubt of it?—I have no doubt of it; but only for a very short period.

6223. You had been appointed receiver shortly before that, at the time when you canvassed?—I think about a year and a half.

6224. Do you know that Mrs. Daly, the widow of Daly, the owner of the property, was strongly in favour of Captain Nolan?—No; anything which I do know from hearsay was to the contrary.

6225. The tenants knew that you were receiver?—I suppose so.

6226. Will you be good enough to tell me, was it Mr. Blake Foster whom you took with you?—Captain Blake Foster. I did not take him with me; he asked me to go with him.

6227. And he accompanied you?—Yes.

6228. He had married a Miss Cummerford?—His wife and Mrs. Daly were sisters.

6229. And they were ladies of the name of Cummerford?—Yes; they are joint owners of the Cummerford property.

6230. Did you canvass the Lahiff property?—I never asked an elector or a non-electer on the Lahiff estate, which is a considerable property in this county, and which I think has about 60 voters on it, how he was going to vote, for this reason, that Mr. James Lahiff, the heir-at-law to the property, had intimated to me, through a friend, that he would vote for Captain Nolan, and I did not think it right to ask a voter on that estate, although I was receiver, to vote at the election.

6231. You

6231. You thought that when the owner of the property had promised his support, the tenants should follow their landlord?—Whatever my thoughts were, I did not ask them.

6232. Did not you think that when the owner of the property had promised, the tenants should follow suit?—Do you wish me to tell you the exact reason why I did not do it?

6233. You have stated a very distinct reason that the heir-at-law, the inheritor, having promised Captain Nolan, you did not think it right to canvass his tenants?—I wish to pay that compliment to Mr. Lobiff.

6234. There is a property called Kircummona?—Yes.

6235. Is that under the Court of Chancery?—Yes, it is now.

6236. Are you the receiver?—Yes; and I have been a private agent over that estate for 14 years.

6237. When were you appointed receiver?—Some time last year. It was previous to the election that I was appointed receiver, the owner having died.

6238. Did you canvass the tenants upon that property?—Certainly.

6239. The tenants knew that you were receiver?—Certainly; they had received the legal notice; I think that it was in October. I can fix the date.

6240. Did you hear of any communication by Mr. Daly to the Lord Chancellor, with reference to your having canvassed as receiver under the court?—I heard that somebody had threatened a complaint to the Lord Chancellor. I do not know who it was; I suspected that it was somebody at the instance of Captain Nolan, and I treated it with contempt.

6241. Did you write a letter to Mr. Brown?—Yes, to Mr. Bernard Brown.

6242. Is he an agent of the property?—Yes, the property under Mr. Charles Kelly.

6243. That is the same Mr. Kelly that we have been speaking of?—Yes.

6244. Have you from Mr. Brown, the bailiff, that letter?—I do not think that I have the letter; I think that he wrote to me that he had lost the letter, but that such and such was what the letter contained, and I believe that his copy, which he purported to send me back, was correct.

6245. What was the date of your letter to Mr. Brown, the bailiff?—Very shortly, before the election in January.

6246. Did you desire him to read it to the tenants?—I cannot remember whether that was in the letter, or not.

6247. Was it after the difference between you and Captain Nolan, that you wrote to Mr. Brown to give back your letter?—Yes; and I have the letter for the purpose of instituting legal proceedings against Captain Nolan, if I am so advised; I have the letter which Mr. Brown sent back to me.

6248. Do you mean that he did not return you your own letter, but what purported to be the substance of it?—My recollection of it is, that I wrote him two letters, and that he sent me back one of them, and that in the letter he mentioned that he had lost or mislaid the other; but that he remembered what I had written to him, and that he gave me a copy of it from memory, which he would be prepared to swear was my letter.

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6249. You have the one letter which he gave you back, and what purports to be a copy of the other?—Either I have them, or my solicitor; I have not looked. I am pretty sure that the letters are in existence and procurable.

6250. When did you canvass Farrey?—I think that I canvassed Farrey, it might be before Christmas, or after Christmas: he was one of the earliest; he and Daly, I think, were the two first.

6251. On what property was Farrey?—The property of one of the nearest relatives that I have; it was upon my brother's estate.

6252. As I understand from you, he promised you to vote for Captain Trench?—On the day that I called at his house I did not see him himself, but I saw his son; and the word was conveyed to me that there was no use in calling again, for that he would do anything to oblige me.

6253. When did he come to you soliciting to be let off?—The day previous to the polling; on the Monday morning.

6254. He came to your house?—Yes, a distance of 15 miles.

6255. How far is your house from Galway?—About a mile.

6256. Did he remain there that night?—I heard that he remained until towards evening; I heard so from my servant afterwards. I asked what had become of Farrey, and my servant gave me a description of what had become of Farrey.

6257. Where was he when the polling was going on?—I should think that he had gone home.

6258. He was not in your house?—I think not; certainly not to my knowledge; I was not at home.

6259. You have given a general account to my learned friend of the state of the county, which he has a little amplified: were you ever at a rebellion?—Never.

6260. Were you ever at a rebellion?—Never; I have seen two or three attempts at one; I was never at anything approaching to it, but I have seen an attempt at a rebellion in Ireland, and I do not think that it was as bad as what I witnessed in the county of Galway at this election.

6261. At what rebellion in Ireland were you?—In 1844 or 1845.

6262. Were you living in the county Galway?—I think that I was in Dublin.

6263. Did you think that the people were in fear of a rebellion?—Very little, until this election.

6264. Did you understand from Captain Nolan's second letter that he would give you every information, provided he was assured that you did not mean to bring an action?—I understood it in stronger language than I like to say it.

6265. I do not use strong language, but quiet language. Did you understand from that second letter, that he, Captain Nolan, would give you every information, provided he was assured that you did not mean to bring legal proceedings against him?—I will tell you exactly what I understood from him.

6266. Cannot you give me "Yes," or "No"?—I did not; it is right that I should explain. I understood that I was to give him a written guarantee, that I was to bring no legal proceedings against Captain Nolan for having used this language

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language towards me, and that then he would inquire into the truthfulness of his assertion, and would write to me. The language which I have used to you is perfectly correct, and no remedy on earth can set the matter right, and I think that the letter can bear no other construction.

6267. Was your last letter returned to you by Captain Nolan, with an endorsement upon it?—Yes, and I have it in my pocket.

6268. Did you cause the letters to be published?—I did.

6269. In what paper did you cause the letters to be published?—My solicitor considered—

6270. Do me the favour to tell me the paper?—I asked, I think, the proprietor of "Standard" to publish the letters; I asked the proprietor of the "Irish Times" to publish the letters; I am not sure of any other; I do not remember any other.

6271. The correspondence was in both those papers?—Certainly, and at my request.

6272. When you were causing the publication of that correspondence, and of the letter to which I have last adverted, did you publish the endorsement which was written by Captain Nolan upon it?—Certainly not, for the simple reason that I had not received it.

6273. You had not received the endorsement?—No.

6274. I thought you said that you had the letter with the endorsement upon it?—I have it now in my possession; I think that the very day after I was in Dublin, there were several days after my last letter, and I think the very day that my correspondence appeared in the Dublin papers, and I received my letters forwarded from Galway, Captain Nolan's letter was one of the letters which were forwarded to me; letters of business and otherwise.

6275. Did you direct the correspondence to be published and given to the papers?—I personally requested it.

6276. And then you gave the correspondence to the newspapers?—I did.

6277. But although you gave them that last letter, yet you had not received it; I do not understand that?—I had kept a copy of my own letter, which Captain Nolan returned to me, with an endorsement, which you can have; I think that that is the letter (handing the same to Mr. Macdonagh); that is my last letter; on the front of it is Captain Nolan's writing across it.

6278. "Received February 18th, and returned to Mr. George Morris the same day, with intimation that productions of a similarly gentlemanly nature coming again from Mr. Morris will be treated in the like manner?"—Yes, that is the gentlemanly reply to my letter.

6279. That closed all correspondence between you?—I had closed it in the concluding part of my letter.

6280. How long were you canvassing?—The first persons whom I ever canvassed were Farvey and Daly, and I have told you that it was either a few days before Christmas or a few days after-

wards. The 26th of December, according to the best of my recollection, was the first day that I ever asked anyone to vote for me.

6281. Did you canvass other persons besides the tenants of properties over which you were either agent or receiver?—I think not.

6282. But you are not sure?—My strong impression is, not. I would not like to swear that if I had met some friends I might not have spoken favourably.

6283. But you were very active in the support of Captain Trench from that time?—No, I was never very active.

6284. You went to several estates to canvass for him?—I was never very active.

6285. That depends upon your estimate of activity?—Precisely. I am giving you my notion of what I consider activity would be.

6286. Did you understand, at the Loughrea meeting, that every gentleman who accepted to Captain Trench's being put in nomination and supported would each have his own tenants canvassed for him?—I suppose that that natural course struck me.

6287. Did you see Sir Thomas Barlow's circular on that day?—I think that before I went in to the meeting, I said to Sir Thomas Burke that I had heard that he had written some circular which he intended for his tenants, and that I asked him for it, and I think that either he gave it to me or somebody else; and, as well as I remember, the Reverend Mr. Thomas was in the street at the time, and he asked me what it was, and I said, "Here it is; you can read it."

6288. Is the Reverend Mr. Thomas a Roman Catholic clergyman?—He is, in Town.

6289. Did you leave it with him, or did he take it?—I think that he took it away.

[The Witness withdrew.]

Mr. Macdonagh.] My Lord, I have tried to get information upon the subject of the newspaper, and I find that it was paid in full first of all, and then, so far as I can see, I do not see that there was any such item as that to which my learned friend referred.

Mr. Justice Keogh.] It was a mistake. They did not convey to my mind at all any statement that that correspondence was paid for, or that there was any charge for it, but they merely conveyed that the correspondence appeared in a newspaper which had an account against the sitting Member, and that that account was paid. That was the only statement, and you say that that is correct.

Mr. Macdonagh.] I say, my Lord, that it is correct, and that it was paid in full.

Mr. Justice Keogh.] Any papers given to Mr. Higgins will be perfectly safe.

Mr. JOSEPH W. SEWARD, sworn; Examined by Mr. Sergeant Armstrong.

Mr. J. W. Seward. 6290. I BELIEVE that you attended at Loughrea, and took the liberty of voting for Captain Trench?—Yes.

6291. Are you a Magistrate of this county?—I am.

6292. Were you accompanied on that occasion by a friend of yours, a brother magistrate, Mr. Sampson?—On my return I was.

6293. Upon coming to the Courthouse after voting, did anything of an unpleasant kind occur

occur to you?—Yes. Immediately on leaving the court-house, I was with the gentleman, and both of us were assailed with the most opprobrious names; we were booed at and yelled at, and bespattered with mud and dirt, and I got a stroke of a stone in the arm. They followed us all along from the court-house, and I had to apply to the police-serjeant to give us protection; he marched his men along with us until we came to the bridge, and he had to draw a line to keep from the mob.

6294. Were the mob pursuing you?—Yes.

6295. Yelling and shouting?—Yes.

6296. Were they a furious mob?—Yes; I could not call them anything else.

6297. After the police were drawn across, did you get out of the crowd?—Yes, as soon as I could.

6298. Were you driving?—Yes, I drove from Loughrea in company with Mr. Arthur Nugent, and I drove home in company with Mr. Sampson and Captain Barret Holmes, the High Sheriff of Tipperary, and a servant. We drove in a taxed cart. Mr. Sampson drove. They were in the front, and the servant and I were in the rear of it. We were back to back. Mr. Sampson and the other gentleman were more elevated in front. We got into Woodford very quietly to about the centre. It appeared very quiet; there were very few people in the streets, and immediately all across the street was filled from the houses with a whole lot of people, and without making a single expression except a screech or a yell, they commenced throwing stones at us. I saw two men with stones of that size (*describing the same*). A stone passed, and went crash bang into a shop window on the other side of the street. Mr. Sampson pulled us up for a moment, and a few policemen were at the head of the street, and they made a run down towards us, and the mob turned from us at the moment when they saw the police coming, and I suppose when they saw such a small number of the police they doubled back upon us, but the leader had given an impetus to Mr. Sampson to drive on, and they booed and yelled and threw stones; but we fairly outran them, and Mr. Sampson managed never to let them overtake us. On coming out of the crowd from the backs of the houses, they were pelting stones and yelled. There were at least 200.

6299. Mr. Justice Keogh.] Is Woodford a large town?—No. The men I am sure were not the inhabitants of the town, but they must have been from the neighbourhood.

6300. Mr. Serjeant *Abraham*.] They appeared to be a rustic mob?—Yes.

6301. Did you observe at the cross-roads, at any clusters of houses, any fire as you went along?—I had six miles to go along, and it was regularly illuminated; there was a fire at a cross-road but there was a fire lighted, and at every hamlet there was a fire; at every cross-road and at the hamlets on both sides of the road there were fires lighted.

6302. As you approached them were you booed?—In some instances as we approached we were fired on with volleys of stones, and in other instances they threw the stones after us. In one instance they took out the coals and large sticks and threw them at us until we came within a mile of home.

6303. Do you attribute all that to the election

excitement and feeling of the people?—I could not attribute it to anything else.

6304. Did you ever see the like of it in this country before?—No, indeed, I never did; nor in any other country.

6305. Do you suppose that these people knew how you had voted, or were you attacked, because you were a gentleman?—I rather think that they did.

6306. At all events, they saw you in the equipage of a gentleman, and that was enough?—I suppose so.

6307. They saw that you were a landlord?—I am not a landlord in Galway at all. I have a small place there, which I purchased; and I had it for 20 years. I have expended a great deal of money upon it. It is now in the hands of the auctioneer, and everything that I have will be disposed of on the 13th of this month.

6308. Is that attributable to the conduct which you have received?—Yes. I have sold out 5,000 l. or 5,000 l. upon the place, besides the purchase-money.

6309. And you give it up in consequence of this occurrence?—Yes; because I do not know how soon another occurrence of the kind will take place, and I cannot be bound to obey anything contrary to my feelings.

6310. You want to live in peace?—Yes.

6311. And your property is virtually to be sold on the 30th of April?—Yes; and for 20 years I have been on the best of terms with all my neighbours, high and low, rich and poor.

6312. Are you a Protestant gentleman?—I am.

6313. And are you on the best terms with your Catholic neighbours?—Yes.

6314. And with the priests in the neighbourhood?—Yes. The very coat which I wear has been given to me by my neighbour.

6315. As a feeling of gratitude in return for some kindness?—No kindness; but she liked me; she wore a piece of frieze for her husband.

Cross-examined by Mr. Noadman.

6316. And she gave it to you because she liked you?—She gave me a part of it.

6317. She divided it between you?—Yes.

6318. She is a Catholic?—She is.

6319. You are not going to fall out with your kind friends on account of your quarrel, are you?—I hope I shall not fall out with any friends.

6320. About how far is Woodford from Loughrea?—About 9 or 10 miles. I do not know exactly.

6321. Loughrea was the polling district to which Woodford belonged?—Yes.

6322. Loughrea is a crowded district?—Yes.

6323. In that wonderful mob which you speak of, was there a large number of boys and girls?—No.

6324. How many should you say?—I could not count the boys and girls. I know that there were over 200 people there.

6325. What number of men, should you say, were amongst that mob?—I could not say.

6326. You saw two men?—There was no mistake about those two.

6327. How many men were there?—One hundred men.

6328. You say that part of the men did not belong to Woodford?—No, not all of them, nor half of them.

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6329. At what hour of the day was it?—It was daylight, just upon the close of the evening.

6330. Were they the people of the town of Woodford?—I did not know them; I was a stranger in the county.

6331. What was the size of the stone which went into the opposite window?—Three or four pounds weight.

6332. Are you given to exaggeration in your language?—I do not think that I am.

6333. Did you ever read of the giants in the olden times?—I did.

6334. Were those two men giants?—No.

6335. Do you think that that stone of three or four pounds weight ought properly to be called a rock?—I do. I saw a stone in another man's hand which would weigh 14 pounds.

6336. You said that a stone of three or four pounds, which was flung through the window, was a rock of three or four pounds weight; do you think that that is an exaggeration?—No, I do not say that it is.

6337. You will not say that calling a stone of three or four pounds weight a rock is an exaggeration?—No; it is a piece of a rock.

6338. Did not you say further that it was a rock?—I did.

6339. Do you say now that it is a rock?—I do.

6340. Do you swear that a stone of three or four pounds weight is a rock?—I do. It may have been seven pounds weight for what I know.

6341. That is half a stone; you say that half a stone is a rock. I suppose that you consider an excited people, a furious people, in the same way?—I consider that the people whom I saw on that day were very excited, and very furious.

6342. They were furious with the large rock of half a stone weight?—Certainly.

Re-examined by Mr. Sergeant Armstrong.

6343. Was that stone, do you think, as big as the stone which killed Goliath; was it enough to have knocked out your brains if it had hit you?—It was; it would have knocked out my brain if it had hit me.

[The Witness withdrew.

Mr. WILLIAM B. SAMFERN, sworn; Examined by Mr. Murphy.

Mr. W. B.
Samfern.

6344. Do you recollect coming in in order to exercise the privilege of the franchise at the last election?—Yes; at Loughrea.

6345. On your way into Loughrea, were you driving in your own vehicle?—Yes; in a taxed cart.

6346. I believe that you had to drive a good distance?—To Loughrea.

6347. How many miles?—Something about 16 or 17.

6348. That was a long distance to go for such a piece of enjoyment. When about six or seven miles away from your home did anything happen to you?—A man threw a stick at me.

6349. Would you call it a switch?—No.

6350. Was he one of a crowd, or was he by himself when he threw it?—He was sitting on the side of a car, with another man, driving, and just passing out.

6351. Had you known him at all before that?—Yes.

6352. What did you say when he threw the stick at you?—I said, "Very well, Currie, I know you," or something to that effect.

6353. Did he use any words at the time?—I did not listen to what he said; I could not tell you.

6354. You came into Loughrea, I believe, and voted there?—I did.

6355. When coming out, after voting, was there any particular attention paid to you when you got out into the open air?—Yes, I got some mud on my back. The police were walking up and down outside the court-house.

6356. How did you get this mud upon your back; was it flung at you?—Yes, it was flung at me by some mob.

6357. Were you booed at when you got out?—I was shouted at.

6358. Did you get the assistance of the police?—They were walking up and down, and I just walked by their side until I got by the bridge.

6359. How many were the police in number?—I cannot say.

6360. But there were a considerable number

of police there?—There were a good many police.

6361. Was the crowd or mob which was there a large one?—It was pretty large; a good many people seemed to be in it. I did not pay much attention, but got away as quickly as I could.

6362. Did you keep close to the police for your own protection?—I did; I kept close to them not to get any more mud than what I had got.

6363. Did you travel home in company with Mr. Seward?—No; only from Captain Lewis with him home.

6364. Did you go through Woodford with him?—I did.

6365. Were you here when Mr. Seward was describing what happened when you were passing through Woodford?—Yes; I was in the gallery.

6366. Were you yourself pelted with anything through Woodford?—When we got on the top of the hill, I did not see any people; but when we got half-way down through the town, a mass of people gathered up from each house, and two stones were thrown. One went over Mr. Seward's head, and broke windows on the other side; and I did not see what was doing behind my back, and I pulled up until the police went past me, and the people stopped pelting with any more stones; and as I had a horse I trotted away as quickly as I could.

6367. Did the crowd pursue you?—They did.

6368. Had Mr. Seward his face towards the crowd which was pursuing you?—He had.

6369. Was it an excited mob at the time?—It was excited enough.

6370. On the way home Mr. Seward speaks of your crossing cross-roads, where fires were lighted?—Yes.

6371. Were you pelted?—I saw no stones there at all.

6372. Did you see anything thrown after you when you passed some of those bonfires?—I could not see.

6373. Was anything done to you on any day subsequently to that?—Nothing.

6374. How

6374. How far from Woodford do you reside?
—About seven miles.

6375. Had you ever been treated in this way before?—I was never at an election before in my life.

6376. And I suppose that you would not like much to be at one again?—I thought that it might be worse than it was; but Mr. Seward, who was behind my back, said that it could not be much worse.

Cross-examined by Mr. McDougall.

6377. You said that you anticipated beforehand that it would be much worse than you found it?—At Woodford it was worse than I expected, and at Loughrea it was not so bad as I anticipated.

6378. Are you a Protestant gentleman?—No.

6379. You are a Roman Catholic gentleman?
—Yes.

6380. And you were never annoyed after the election except on that day?—No, I was not.

6381. How many went to the polling-booth with you?—Nobody did but Captain Holmes, a gentleman of Tipperary; he came over to me, and we drove together there.

6382. Did you drive up to the polling place?—No, I drove to Captain Lewis's, and got a horse at Captain Lewis's.

6383. You first drove to Captain Lewis's, and then drove into town?—Yes.

6384. Did you at once drive in to the polling place?—No.

6385. Where did you wait at Loughrea?—At Taylor's Hotel.

6386. Did Captain Holmes walk with you?—I cannot say; I think that he walked for a part of the way.

6387. And you went to the polling-booth and recorded your vote?—Yes.

6388. And nobody tried to prevent you?—No, except after we came out.

6389. Did you see many gentlemen like yourself voting upon that occasion?—At the side where I voted I did not see any.

6390. You voted for Captain Trench, and at that side very few voted for him?—Yes.

6391. Did you see any vote for him?—I saw Captain Holmes vote for him.

6392. Did you see Mr. Seward vote for him?
—No.

6393. I am happy to see that you were not struck with stones?—No, I was not.

6394. Only with mud?—Yes, with mud.

6395. I suppose you have given us a very full account of all that occurred?—Yes.

Re-examined by Mr. Murphy.

6396. You said that at Loughrea the excitement was less than you expected?—Yes.

6397. From what had you expected that the state of things in Loughrea would have been worse; was it from the report which you had heard?—I thought that they would be going through the streets worse than I saw.

6398. Was it from what you had heard before of the excitement in the country?—Yes, the excitement which I had heard of before.

[The Witness withdrew.]

Constable WILLIAM JOHNSON, sworn; Examined by Mr. Perce.

6400. I BELIEVE you were stationed at Woodford at the time of the election?—I was.

6401. Do you recollect giving protection to any voter?—I do; I remember it on the night of the 5th.

6402. Do you remember his name?—I do not exactly know his name. I took no particular note of it.

6403. Do you remember what occurred?—Yes; I remember that I was on the town on that night, and I observed this man. He told me that he was going to Loughrea to vote, and he said that his driver had got drunk.

6404. Never mind what the driver told you, but tell us what you did?—I am not speaking of the driver at all, I told him that I would see him out of the town, but that I could not see him further, as we had no mode of conveyance, and he said that he would not go. That is all that I remember about it.

6405. Mr. Justice Keogh.] What is his name?—I do not exactly know his name. I heard afterwards that his name was Dolan; something like that, but I do not remember.

6406. Mr. Perce.] Do you remember the next day; the day of the polling; the 6th?—I do.

6407. Were there magistrates there on that day?—Yes.

6408. Do you know their names?—Yes.

6409. What were their names?—Mr. Sampson and Mr. Seward.

6410. Did you see them both?—As soon as they made their appearance. I was at the corner, and as soon as they made their appearance the shooting commenced. The sub-inspector was there, and we followed the car as soon as convenient. When we got to the village a volley of stones went through the spokes of the car, and it broke a window on the opposite side.

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6411. Do you believe that the lives of those gentlemen were in danger on that occasion, from what you saw?—From the excited state of the people, if they were not protected, I do not think that their lives would be safe.

6412. Have you a home yourself at Woodford?—I have.

6413. You do not live in the parish?—No.

6414. Was your own house attacked in any way?—Yes, the windows in my house were all broken on that night.

6415. Were any other houses in Woodford attacked?—The house where the attack was made on the two gentlemen that I have named was broken from the stones which passed on that occasion.

6416. Did you see any other houses with the windows broken?—None but those two.

6417. Do you believe that Captain Trench's voters were in danger?—I do believe, from the state of the people there, that any man who voted for Captain Trench on that occasion, either himself or his house would be injured, from the excited state of the people; a great number of them were certainly excited from drink; they were very excited.

6418. Were the mob that were in the town belonging to the town, or were they strangers?—They were strangers from about 10 miles; they came in from near Mount Shannon.

6419. Is that in Clare?—No.

6420. Is it upon the borders of Clare?—Yes.

6421. Had those strangers come with the appearance of having taken drink?—They had. They were drinking in Woodford during the day, and as far as I could see them, they were coming up at night in the same way, as if they were attending a fair; they were coming in in droves.

6422. Did you see any persons taking refuge

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W. Johnson.

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in the police barrack?—I did on the night of the 5th.

6422. Do you remember how sunny?—I think four.

6423. How long were they in the barrack?—I cannot fix the exact hour at which they left, but we conveyed them out by a back lane from the barrack to the road, where we got the place clear.

6424. Was that at night?—Yes, about ten o'clock at night; when the people saw the car coming into the town the people got very much excited.

6425. Do you know Mr. Page?—I do.

6426. Was anything done to him?—I did not see anything done to him. I was only told that he was struck in the morning.

6427. How many strangers do you think were in town that day in this strange mob?—At about half-past six o'clock I believe that there were 2,000 persons in the town.

6428. Strangers?—Not all strangers, but a mixture with the neighbours about the place; the country all round Woodford.

6429. Were they all violent and excited?—I never saw them more so from my experience.

6430. Had they taken drink?—Certainly they were the worse for drink. The generosity of them at that hour were worse for drink.

6431. In consequence of this state of terrorism which existed in the town, had you to take any steps to get reinforcements?—I took no steps.

6432. Did your officer take any steps?—He told me that he telegraphed to Portman for reinforcements.

Cross-examined by Mr. MacDonnell.

6433. Do you think that the strange mob in Woodford, which you say came there, came there to belay Mr. Sampson and Mr. Seward?—I could not say.

6434. What brought them there?—I could not say.

6435. Were the people returning home?—No.

6436. What did they come for?—As far as my knowledge goes I think that it must have been pre-arranged that they should meet there.

6437. And you think that 2,000 men pre-arranged to come and meet Mr. Sampson and Mr. Seward?—No; I say that, from their movements during the day, I think that it could not have been otherwise than it was pre-arranged.

6438. Why do you think that it was pre-arranged?—Because I think that they could not come there unless it was so settled and arranged to meet there. I do not think that they came from that particular village.

6439. At what hour did they come in there?—During the day.

6440. By what roads did they come in?—Different roads.

6441. Did they come in by the Loughrea road?—No.

6442. Were they going to Loughrea?—No.

6443. Can you give me any intelligible explanation of what they were there to do in Woodford?—No.

6444. Were they drunk when they came there?—No.

6445. How many police had you on that day?—Eighteen, as well as I remember.

6446. That is on the 5th and 6th?—Yes.

6447. And there were 2,000 people, and you consider that they came there for some pre-arranged purpose?—I think so.

6448. Were they all Galway people?—I cannot say.

6449. Was any attempt made to interfere with the four or five voters in the barrack?—They had to take refuge in the barrack.

6450. What I ask you now is this: I did not ask you whether they hoisted, but was any attempt made by this pre-arranged mob of 2,000 people to take away the four or five voters out of the barracks?—When the voters were in the barrack was on the evening of the 5th.

6451. Was any attempt made on the evening of the 5th to take them out of the barrack?—Nothing more than to hoist them in.

6452. And they went on the next day?—They went on.

6453. And you saw no more of them?—I saw no more of them.

6454. Did that mob carry out any object except the accidental pelting of Mr. Sampson and Mr. Seward; did they beat anyone else?—There was another man, as well as I remember, a Mr. Russell, who got off the car at about the centre of the village, and walked down, and when he got to the lower part of the town, I believe he had to take refuge in Mr. Roche's house, and I went down to the end of the town with another man, and left another man to see him off. That was all that I saw.

6455. You say that he was hoisted?—Yes.

6456. Do you think that a mob of 2,000 people came there to loot him?—No.

6457. Can you explain why that mob came; did you see anything violent?—I saw them shoot and throw stones.

6458. Do you think that it was for the sake of shooting at the cars that they were out?—I cannot say.

6459. You say that a volley of stones was thrown; how many stones were thrown?—I could not say.

6460. Did you hear Mr. Seward say that two stones were thrown, one of which broke the windows opposite?—I do not think that two stones would break five panes of glass.

6461. Were five stones thrown?—I do not know.

6462. Will you explain to me how stones thrown through the spokes of a car succeeded in breaking the opposite window?—I saw them break the window.

6463. How many spokes did they break?—I do not know.

6464. You say that there was a volley of stones (that is an admirable phrase); a volley of stones was thrown through the spokes of the wheel of the car?—Some of them, I believe, went through the spokes of the car, for I was within about 10 yards.

6465. You said that the stones thrown through the spokes of the wheel broke the windows?—Those which broke the windows may not exactly have gone through the spokes of the wheel.

6466. Did not you swear that the stones which went through the spokes of the wheel broke the windows; was that true?—It might have been; I could not say. As well as I remember, what I swore was that the stones went through the spokes of the car, but I do not know that all of them did so. I think that some of them did.

6467. Did you swear it?—I did.

6468. Were

6468. Were you right in swearing it?—I think so. I said that a volley of stones fired went through.

6469. Do you now swear that the volley of stones which broke the windows went through the spokes of the car?—As far as my knowledge goes, they did.

6470. That is your accuracy of observation?—Yes.

6471. What is the height of the window from the ground?—I think about a foot, or a foot and a half.

6472. Were the gentlemen sitting in the vehicle?—They were.

6473. Do you think that a stone flung through the spoke of the wheel was aimed at the gentlemen sitting in any manner?—I do not know.

6474. Would you believe it yourself?—I believe that it was at them that it was aimed.

6475. And they fired so low that they fired through the spoke of the car, and actually broke the window on the other side?—They might not hit the mark at which they fired.

6476. Do not you think that it was particularly bad shooting?—I should think it was.

6477. Do you think that the person who fired through the spoke of the wheel wanted to hit the person in the car?—I think, from what I saw, that they were the worse for drink, and they were not very accurate in their aim.

6478. You think that they were too drunk to fire. Is it your impression that these acts were done by a drunken mob?—Yes, there is no mistake about it.

6479. Why do you call them a mob?—I call any persons who assemble for an unlawful purpose a mob.

6480. What was the purpose for which they assembled?—I call it a mob if they make an attack upon you, or upon anyone; it would be unlawful.

6481. Did they assemble to make an attack upon any man?—I believe so.

6482. On whom?—On any person who would be obnoxious to them.

6483. You say that 2,000 people came to make an attack upon some one; upon whom?—I say upon any person who they thought would be obnoxious to them.

6484. Do you think that Woodford would be a place where obnoxious people would be found?—I do not know; they might think it.

6485. Is there a telegraph station in Woodford?—There is.

6486. Will you swear that the people who came into Woodford on that day, did not come in for the purpose of learning at the telegraph station the result of the election?—I do not know; I will not swear that.

6487. You said that the lives of the gentlemen would not be safe unless they were protected; as a matter of fact, did any one lose his life during the election, or since it, in your district?—No.

Re-examined by Mr. Perce.

6488. Mr. MacDonnet has asked you what you thought these people came for; on your oath do not you think that they came there to deter people from voting for Captain Treach, and with no other object?—I do not know.

6489. What is your belief?—If you take my belief, I think that that was the object.

6490. Mr. MacDonnet.] At what hour was this mob there?—They were collecting during the day.

6491. At what hour did they fling the stones at Mr. Seaward?—As well as I remember, I think that it was between four and five o'clock.

6492. Was not it the day of the polling?—Yes.

6493. Do you swear that you believe that those 2,000 people came to Woodford, 10 miles from Longhrea, for the purpose of preventing voters from voting for Captain Treach?—I do not believe that they came at that hour of the day for that.

6494. At any hour of the day?—I think that I was up on patrol, as well as I can remember, until four o'clock; and I was after lying down when I heard the shouting outside; and then, as well as I can remember, it was about five o'clock on the morning of the 8th.

6495. Do you believe that that body of men, at whatever hour they came there, came and stopped at Woodford for the purpose of preventing any person from voting for Captain Treach?—I do.

6496. And that they remained there?—That they remained there on the night of the 6th.

6497. Mr. Perce.] Was there a great crowd on the 5th?—There was not a great crowd on the 5th.

6498. Mr. Justice Keogh.] Whereabouts is Woodford?—It is situated 10 miles from Longhrea, and eight from Pertunna; it is in the county Clare direction; to the south of Longhrea.

[The Witness withdrew.]

Sub-Inspector HENRY BERNARD KNOX, sworn; Examined by Mr. Sergeant Armstrong.

6499. Were you at Woodford during the last election?—I was.

6500. Were you in charge of the constabulary there?—I was.

6501. About what was the ordinary population of able-bodied fellows in Woodford?—I think the population of Woodford is 300 persons, old and young.

6502. Was the actual number of people in Woodford on the polling day largely increased?—Towards evening they were, and early in the morning.

6503. Did the people come in during the day, unusual flocks of people?—Yes; unusual for Woodford.

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6504. Were you present there when Mr. Seaward and other gentlemen were attacked?—I was.

6505. Were you an eye witness of that?—I was.

6506. Did you see the stones flung?—I saw one stone.

6507. Do you recollect whether that stone approached Mr. Seaward's person?—I could not see; it must have gone not very far off it.

6508. You were some distance off?—I was, about 30 yards.

6509. Was it an excited mob?—About the time that Mr. Seaward came there it was very excited.

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6510. Did

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6510. Did you observe that some of them were under the influence of drink?—A few of them.

6511. In consequence of what you witnessed of the behaviour of that crowd, did you take any step towards obtaining reinforcements?—I did.

6512. Did you telegraph for troops?—Not for troops.

6513. For constabulary?—Yes, to Portlanna.

6514. Did you think that a necessary and discreet thing, having regard to what you witnessed?—I did.

6515. How many men had you before you telegraphed?—I had 20.

6516. Was that quite sufficient for all ordinary occasions there?—Quite sufficient for all ordinary occasions there.

6517. Were those people shouting and expressing their sentiments in any way during the day?—Yes; they were shouting "Hey for Nolan," and "Down with the Orangemen," and various other things.

6518. And such like cries?—Yes.

6519. Had they all their own way; was there any opposing mob?—No, not at all, I am happy to say.

6520. Did you know personally of voters being I may call it almost smugged away, the night before by back lanes?—I sent them away myself the night before.

6521. After dark?—Yes.

6522. When the town got quiet?—About a quarter to nine o'clock. The town was not very excited the night before.

6523. Did you think it necessary to get them away by back ways quietly?—I think they might have gone the front way, but they chose themselves to go the back way.

6524. Were those men who had taken refuge in the police barracks?—They were.

6525. Voters?—Yes.

Cross-examined by Mr. Macdonald.

6526. You had 20 men originally under your command?—I had; that is to say, my force was increased to 20 men.

6527. Then I mistook you. How many had you before you telegraphed to Portlanna?—You make a mistake, I think. The force at Woodford was increased that day to 20 men. I got no men from Portlanna.

6528. How many had you before the increase?—My fixed strength there is 11 men and myself.

6529. How many days before the day you have been speaking of was the increase from 11 to 20?—The day before the election; before the polling day.

6530. And you had those men under your command in the evening?—Yes.

6531. Were you present when the four voters drove in on a car?—I was.

6532. Was it at that time that they went into the police barracks, or was it into the police barracks that they went. I am speaking now of the four who came in upon the car upon the day before the polling?—Yes; they went into the police barracks.

6533. At about what hour of the day did they go into the police barracks?—At about 12 o'clock.

6534. And I take it for granted that the 20 men were in different parts of the little town of Woodford during the day?—They were.

6535. That was the day before the polling?—The 20 men only came the day before the polling.

I did not see any necessity for more than ordinary arrangements on that day.

6536. But was it not the day before the polling that the four men drove in upon the car?—Yes, it was.

6537. Was there any large crowd in the town on that day?—Not particularly large. There were school children, with laurels, parading.

6538. Parading the town?—Yes.

6539. Did they meet the four men when they drove in upon the car?—They did.

6540. Were they boys and girls?—Yes.

6541. I suppose very young?—The ordinary age of school children; from 10 to 15.

6542. And there was no crowd of able-bodied men on that day?—No; I saw none.

6543. And you were the gentleman upon whom the whole of the responsibility there rested?—Yes.

6544. And you must have seen everything; did the boys and girls disperse towards the evening, or did they continue with their laurels, all about the town all day?—I think they continued all about the town all day, but I went over on business to Sir Thomas Burke.

6545. You did not think that the state of the town was such, while the children were sounding themselves with their laurels, as to require your own personal attendance?—Certainly not. I should have stayed if I had.

6546. At what hour in the evening did you send forward those four men?—About a quarter to nine o'clock, to the best of my recollection.

6547. I should think the streets were perfectly quiet?—They were; there was not very much excitement that I could observe.

6548. And there were no able-bodied men parading the town then?—They were not parading the town; there might have been two or three loafing about, but I did not see anything to excite particular attention.

6549. There was no excitement and no tumult?—No; not more than might have been expected on that occasion.

6550. And those four men might, as you say, have driven through the streets of the town, and gone off if they liked?—I do not say that they could have driven through the whole street of the town; the barracks is more on the way to Loughrea.

6551. But they could have driven from the barracks on to Loughrea?—I consider that they could have done so.

6552. I think that this little place is rather in the hills?—Well, it is in the mountains.

6553. And it is on the direct road to Loughrea?—It is.

6554. And you know that there is a telegraphic station there?—I do.

6555. At about what hour of the next day did the people begin to come in, on the day of the polling?—They came in from four o'clock in the morning, to the best of my belief, and before that.

6556. Did you see many voters passing through the little town of Woodford on that day?—Very few for Captain Trench; a great many, I suppose for Captain Nolan.

6557. A great number of voters passed through the little town of Woodford upon the day of the polling, going to Loughrea?—Yes.

6558. And they appeared to have been Captain Nolan's voters, and shouted for Captain Nolan?

Nolan?—I presume that they were, because they were all going together.

6359. And perhaps they had laurels, some of them?—I think they had.

6360. And there were very few voters for Captain Trench passing through the town on that day?—Well, I saw none for Captain Trench pass through on the polling day, to the best of my belief, that I could say.

6361. Did you not see Mr. Samson and Mr. Seaward?—I saw them returning from the poll; they did not go down that day. I beg your pardon, Mr. Samson passed through on that morning; I saw him.

6362. Passing through the town on his way to the poll?—Yes.

6363. And he was driving?—He was.

6364. And he met with no obstacle as he was passing through the town?—No, not any.

6365. And you saw no other voters of Captain Trench's passing through on that day?—No, not to my knowledge, except the gentlemen who was with Mr. Samson, Captain Holmes.

6366. Did the number of people fluctuate in the course of the day; did it increase or diminish backwards and forwards?—They increased during the day; they diminished, of course, after about seven o'clock in the morning, or half-past seven. I did not observe many then; but I saw some, and I wondered why they remained behind the rest.

6367. First you heard them come in in the early morning?—I saw them coming in.

6368. Then a number went off towards Loughrea?—Yes, the greater portion went off towards Loughrea.

6369. And then the crowd of people was considerably diminished?—Yes, it was.

6370. At about what hour in the day did it increase again?—From about 12 o'clock I should say they began to gather in again.

6371. When did it begin to decrease?—It did not decrease till 12 o'clock at night.

6372. Do you remember when the news of the result of the polling at Loughrea arrived?—I do not know exactly the hour at which the news did arrive.

6373. Then it was on the return, as you have before stated, that you saw the stones thrown?—Yes.

6374. Did any other voter of Captain Trench's except this gentleman and Mr. Russell return through Woodford?—I think Mr. Page returned through Woodford.

6375. Where does that gentleman reside?—He resides about three miles from Woodford.

6376. Still more in the mountainous region, I suppose?—It is not so mountainous as Woodford.

6377. Do you happen to remember whether you saw him passing through Woodford towards Loughrea?—I believe he passed, but I did not see him.

6378. But you certainly saw him returning?—I think I saw him returning, but I am not sure.

6379. Were you speaking to him?—No, I was not.

6380. You did not see any of those gentlemen actually struck?—I do not think they were struck.

6381. There was no attack by the people on the police?—There was.

6382. At what time?—After Mr. Samson and 241—I.

Mr. Seaward passed through they threw stones at myself and the men.

6383. I hope you were not hurt?—No, I was not, I am thankful to say.

6384. And accordingly the town became perfectly quiet the night after?—Yes, quite quiet. There was no opposition to the mob, and I attribute the quietness in a great measure to that. They had nothing to do but to fight with themselves when they got tipsy, and I think they did that; I have heard since that they did that.

6385. You think that they fought with each other?—Yes.

6386. Some four fellows who got tipsy fought with each other, and I suppose the next morning all was serene and calm?—Perfectly, as if it was a deserted village; they were perfectly tired of their amusement.

6387. Were you ever at any other election?—Not as a policeman.

6388. Not as a police officer?—Not as a police officer.

6389. But you have been as a private gentleman?—I have seen elections.

6390. Did you see the former one?—For Galway? There was no opposition.

6391. And you saw no single voter impeded in his progress towards the poll; is not that the fact?—I do not know.

6392. What is the rank of the last gentleman who was on the table?—He is a constable.

Re-examined by Mr. Sergeant Armstrong.

6393. You say that you saw several of Captain Nolan's voters coming into Woodford as if to rendezvous there, and arrange their progress?—Well, I think the rendezvous was there.

6394. Did you see them met by priests there, or priests joining them?—I did.

6395. Did they go off with them out of the town?—Yes, they did.

6396. In the deserted village, where these playful children just let loose from school marched up with their little laurels just to know the state of the poll?—They were children.

6397. Am I to understand that the children of the National School marched up with their little laurels to know the state of the poll?—I do not think the children took very much interest in it.

6398. You might teach the young idea how to shoot?—Certainly.

6399. To be sure, and to shoot little laurels; who is the patron of the national school?—I am not aware; I cannot swear.

6400. Was it during school hours or after school hours that these little innocents paraded the town?—During school hours, I believe.

6401. In point of fact, it was a holiday to see the row?—It was.

6402. Mr. Justice Keogh.] You said that you left the town to go to Sir Thomas Burke?—That was the day before the polling.

6403. How far is Sir Thomas Burke's from Woodford?—Five and a half miles.

6404. Whose property is Woodford?—A great part of it belongs to Sir Thomas Burke.

6405. How far is Woodford from Loughrea?—Thirteen and a half English miles.

6406. How far is Woodford from Galway?—It is about 45 miles.

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Inspector
H. B. Keogh.
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Sub-Inspector
H. B. Knox—
10 April
1879.

6607. How do you go to it from Galway?—
I go to Athlone and Loughrea. It is 11 miles

from Athlone to Loughrea, and it is 13½ miles
from Woodford to Loughrea.

[The Witness withdrew.]

Sub-Constable JOHN SCULLY, sworn; Examined by Mr. Murphy.

Sub-Constable
J. Scully.

6608. BEFORE the late Election had you been
at Woodford?—Yes.

6609. Did you attend the Catholic Church
there?—Yes.

6610. Who is the reverend gentleman officiat-
ing there?—The Rev. Father Madden.

6611. Did you attend there during the month
of January every Sunday?—I did.

6612. Do you recollect hearing him on any of
those Sundays refer to the coming election?—I
did.

6613. What was the first Sunday that you
heard him make any allusion to it?—Well, I
could not exactly state the day of the month; it
was a couple of Sundays before the polling.

6614. How many Sundays did you hear him
referring to it; was it two or three?—Two, I
recollect.

6615. Will you tell me as distinctly as you
can what you heard him say on the first Sun-
day?—He spoke of the coming election, and he
addressed the congregation from the altar. He
spoke of the two candidates, Captain Trench
and Captain Nolan, and said that Captain Nolan
was the chosen candidate by the bishops and
clergy, and that it was the wish of the priests
and bishops that the voters would accordingly
vote for Captain Nolan, and that no good Catho-
lic would vote for Captain Trench.

6616. Did he say anything as to anything
which would be done to any Catholic who would
vote for Captain Trench?—He said that they
were only like so many wolves in sheep's cloth-
ing.

6617. Do you recollect his saying anything
about the finger of scorn?—I do not recollect
the word "scorn;" he said that they should not
be recognised by their fellow Catholics.

6618. Did he repeat that on the next Sunday?
—Yes.

6619. Did he say anything more in addition
to that on the next Sunday?—He did not.

6620. Now recollect yourself; do you recol-
lect anything in addition to that on the next
Sunday?—I do not.

6621. Was the same thing repeated?—Yes.

6622. Was it from the altar that he spoke?—
Yes, it was from the altar that he spoke.

6623. Had he his vestments on?—He had
not.

6624. It was after Mass?—Yes.

6625. Did he say anything to the people as to
waiting there for him, or anything before he ad-
dressed them in those terms?—Yes, before he
took off his vestments he told the people not to
go, he had a little more to say. He did not
leave the altar. He took his vestments off while
he was on the altar.

6626. Were you in Woodford on the day of
the polling?—Yes.

6627. Did you see the voters proceeding to
poll for Captain Nolan?—I did.

6628. How were they decorated?—They were
going on cars, some wearing green ribbons, and
more laurels.

6629. Did you see the reverend gentleman

when you have mentioned with them?—I
did.

6630. Had he any of those emblems which
you have mentioned, ribbons or laurels?—Not
that I saw; he was on the cars that were going
along with them.

6631. Did you see the children about the
street that day?—I did.

6632. At what hour was it when the children
appeared in the street decked in the way we
have heard?—I saw the children there at about
12 o'clock.

6633. Did you know them to be children of
any school there?—I did.

6634. Of the National School?—Yes.

6635. Do you yourself, as a Catholic, know
whether that National School there is under the
patronage of the priest?—I believe it is.

6636. I suppose that you were on duty there
under Mr. Knox?—Yes.

6637. And you saw the crowd that he has
mentioned?—I did.

6638. Were the persons that you saw there
most of them strangers to you?—Most of them
were strangers to me.

6639. You did not know where they came
from?—I did not.

6640. Did you see Mr. Samson and Mr. Sea-
ward, the two magistrates, passing through?—I
did.

6641. Did you see the attack made on them?
—I did.

6642. Was there great excitement in the town
at the time?—There was.

6643. How many clergymen were going with
the voters on the morning of the polling?—I
only saw two first, and one afterwards, the Rev.
Father Larkin, and the Rev. Father Madden.

6644. Who was the one afterwards?—I do
not know.

Cross-examined by Mr. MacDonnell.

6645. You say that Father Madden informed
the people that Captain Nolan was the chosen of
the bishops and priests?—Yes.

6646. Did he say anything about landlords
having no right to coerce their tenants to vote?
—He did.

6647. Did he tell the people that they ought
not to vote against their own consciences?—He
did.

6648. You say that he spoke of wolves in
sheep's clothing?—Yes.

6649. Did he say that those who had a vote,
and did not exercise it according to their con-
science, would be wolves in sheep's clothing?—
He did.

6650. That was the way in which he said it?
—Yes.

6651. Did he remind the voters that they held
the franchise as a trust for the whole body of the
community?—He did.

6652. Did he say that if they betrayed that
trust

trust the community ought not to know them?—He did.

6653. That is how he said that they ought not to associate with them?—Yes.

6654. On the second occasion you say that he said exactly the same words?—Well, I think about the same words.

6655. As to those children at the National School, whom my learned friend Mr. Murphy mentioned, who were decked, I believe they carried some laurel branches in their hands?—Yes, the children did.

6656. They were not decked in any green costume?—Not more than that an odd one of them, who might have a green ribbon or knot.

6657. Before this election at all, is it not true that a great number of people of Galway had green ribbons and green ties, and things of that sort?—Well, yes, I saw them wearing those.

6658. Has not it become rather fashionable among the peasantry for the last few years, or the last year at all events, to wear green neckties and green ribbons, and other national emblems at fairs and markets and chapels?—Well, yes; I saw them used a few years.

6659. You were in Woodford on the day when the attack, as it has been called, was made upon the two magistrates?—Yes.

6660. How many stones did you see thrown?—Well, I saw a couple of stones thrown.

6661. Did you see that window broken?—I did not see it at the time it was broken, but I saw it after being broken.

6662. The stone you saw thrown was thrown in the direction of that window?—No, I was at the lower end of the town at the time.

6663. You do not know what occurred there?—No.

6664. You say that there was a rendezvous there that day; I believe that people passing through Woodford can either go to the Loughrea or the Portumna polling place?—I did not say there was a rendezvous there.

6665. Was there no rendezvous?—I do not know about the rendezvous. There was a good deal of people, and they were a good deal excited.

6666. You said that you saw Father Madden and Father Larkin meeting the voters there in the morning?—I did.

6667. That was the crowd that was there in the morning?—Yes.

6668. And towards the evening there were a great number of voters who were returning home?—I did not see a great number returning home; they were late returning home, with the exception of Mr. Samson and Mr. Scourard.

[The Witness withdrew.]

THOMAS MURRAY, sworn; Examined by Mr. Pease.

6669. I THINK you are a voter for the county?—I am.

6670. Are you a tenant of Mr. Pierce Joyce's?—Yes.

6671. Do you remember some time before the election speaking to Mr. Joyce about how you were going to vote?—I do.

6672. Do you remember asking him whether he had any objection to your voting for Captain Trench?—I recollect that I told him about it. I mentioned it to him. I paid him my rent that day, and when I paid my rent I told him that there was Captain Nolan, and he asked me to vote for him, and I told him I would give it to him if I could for my landlord.

6673. Did you tell Mr. Joyce that you wished to vote for Captain Trench?—I told him I would acquaint my landlord about it when I went to pay my rent, which would be in a few days; that was Mr. Joyce. I told Mr. Nolan that.

6674. When you went to Mr. Joyce, your landlord, to pay the rent, did you state that you would like to vote for Captain Trench?—I said that I would like to vote for Captain Trench, and he said that I might vote as I liked.

6675. Do you remember being at chapel one Sunday, at the Rev. Father Hosty's chapel?—Yes, I do.

6676. Do you remember the Rev. Mr. Hosty calling you up to the steps of the altar?—I do.

6677. Before the whole congregation?—Yes.

6678. Was that during Mass, before it had ended?—I think it was before Mass.

6679. What was the name of the chapel?—Kintulla.

6680. When he brought you up to the steps of the altar?—He spoke off the altar, and I was in the chapel.

6681. What did he say?—Well, I do not remember; I cannot call to mind now.

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6682. What did he call you up for; do you remember?—There was something about Mr. Joyce.

6683. That is Mr. Pierce Joyce?—Yes.

6684. Was there anything about Mr. Pierce Joyce being a liar?—He said that either me or Mr. Joyce was a liar; that is what he said.

6685. What did you say to him upon that?—I made no reply.

6686. What he said before the congregation was, that either you or Mr. Joyce was a liar; what was the meaning of that?—It was about some letter that Mr. Joyce sent me, and I showed it to Father Hosty, and when he read it he said that either me or Mr. Joyce was a liar.

6687. From whom was the letter that you showed to Father Hosty?—It was from Mr. Joyce, my landlord.

6688. Have you got that letter?—I have not.

6689. Do you remember what was in it?—I do not.

6690. Do you remember what was the form of it?—I gave it to Father Hosty.

6691. Mr. Serjeant Armstrong.] Does he happen to be here?—He is here.

Mr. Serjeant Armstrong asked for the letter.

Mr. Higgins stated that the Rev. Father Hosty said he had not got the letter.

6692. Mr. Pease (to the Witness.) When you were called out of the chapel that day by Father Hosty, did he ask you how you were going to vote?—No.

6693. What did he ask you first when he called you out?—He asked something relative to the letter, and I made some reply, and he said that either me or Mr. Joyce must be a liar.

6694. Did he say which of you was a liar?—He

Sub-
Constable
J. Scotty.
—
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Thomas
Murray.
—

Thomas
Moloney.
—
10 April
1873.

He did not; he said either me or Mr. Joyce must be a liar.

6685. Was it in reference to the election that he was talking?—It was.

6686. I believe you have a pig market?—

Yes.

6687. It is near your shop?—It is.

6688. Had you any conversation with Father Hosty about the pig market?—No.

6689. Did anyone threaten you that if you voted for Captain Trench the market would be moved off a mile?—There were some expressions to that effect by the Galway hutchers that came round to buy the pigs.

6700. Did Father Hosty say anything about it?—Not a word.

6701. When was it that the hutchers said that?—They were saying it three weeks before the election, three markets before.

6702. That if you voted for Captain Trench the market would be moved a mile away from your house?—They said that unless I voted for Mr. Nolan—

6703. Would that have a very injurious effect upon your business?—It would.

Cross-examined by Mr. Macdonagh.

6704. Do you remember when Captain Nolan canvassed you that you promised to vote for him?—I did not promise to vote for him, but I promised as soon as I had seen my landlord; that I did not know what to do at the time he spoke to me. I did not promise him anything of the kind.

6705. But what you did say was, that when you saw your landlord then you would know what to do?—Yes.

6706. Did you mean by that to convey that you would do whatever your landlord desired you to do?—Yes.

6707. Do you know that your wife promised your vote to Captain Nolan?—Well, I do not know; but I know that when Captain Nolan was on the street, he said something to my wife, and

he said that there was no fear but he would have the ladies with him.

6708. Mr. Sergeant Macdonagh.] Will you repeat that answer?—He asked me, did my wife promise Captain Nolan my support to vote, and I said I would do no such thing until I saw my landlord, Mr. Joyce. He said something to my wife. I do not know what else she gave him, but he said there was no fear but he would have the ladies with him.

6709. Do you recollect that the Rev. Mr. Hosty requested you to vote for Captain Nolan?—Indeed I do.

6710. Did you not promise him that you would?—I did promise him after coming from Mr. Joyce, when he said me I could vote what way I liked.

6711. Accordingly did you vote for Captain Nolan?—I did.

6712. After your landlord, Mr. Joyce, had left you free to do what you liked?—Just so; exactly so.

6713. Then I suppose that your own sentiments were in favour of Captain Nolan, if your landlord permitted you to vote, or did not object?—They were.

6714. But your very proper answer to him was, that you could give him no reply until you should see your landlord?—It was.

6715. And it was when you were paying your rent that Mr. Joyce said as you have stated, that you might do as you thought fit?—It was.

6716. And did as you thought fit?—Yes.

6717. And you voted according to your conscience?—I did.

6718. Did you in fact prefer Captain Nolan, as your representative, to Captain Trench?—I did.

6719. Had you a number of reasons for that?—I had one reason.

6720. What was that?—It was that I believed I had a right to do so in my conscience.

[The Witness withdrew.

[Adjourned to To-morrow at Eleven o'clock.

Tenth Day.—Thursday, 11th April 1872.

Mr. *Mackernat*.] Mr Lord, I have an application to make to your Lordship, and I wish to say before I make it, that the application which I am about making has nothing whatever to do with the position which I have the honour to fill as one of the counsel for Captain Nolan. Your Lordship made a conditional order against Mr. Michael Roche on last Tuesday morning.

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Mr. Justice Keogh.] Yes.

Mr. *Mackernat*.] My Lord, this morning I received a telegram from Mr. Malden, an eminent solicitor, whom your Lordship knows, in Dublin, which is as follows: "Mr. Michael Roche consulted us this evening respecting a newspaper report of an order made by Mr. Justice Keogh directing his attendance to-morrow at Galway. He states, that having been in Dublin since Monday, he is only aware of the order from the newspapers. We have advised him to proceed to Galway." The telegram goes on to state that the affidavits are in the hands of counsel, in Dublin prepared to contest it. My Lord, I have been instructed by Messrs. Malden to ask for an adjournment. This was the morning which your Lordship named for Michael Roche to attend.

Mr. Justice Keogh.] Quite so.

Mr. *Mackernat*.] And if your Lordship would not consider the time too long, I would ask for an adjournment until Monday morning.

Mr. Justice Keogh.] What do you say to that Sergeant?

Mr. Serjeant *Armstrong*.] I have no objection, my Lord.

Mr. Justice Keogh.] I think it a very proper course. We all know the respectability of Messrs. Malden. Let it stand over. I suppose that Mr. Roche will attend on Monday morning.

Mr. *Mackernat*.] He will attend personally, my Lord.

Mr. Justice Keogh.] I think that that is very right. Let it stand till Monday morning.

Patrick Kinnear swore an affidavit.

Mr. Serjeant *Armstrong*.] My Lord, on behalf of the Petitioner, and with a view to the fair protection of persons in the county who are to be examined, I am humbly to ask your Lordship for an order against another person, similar to the order which your Lordship made with reference to Mr. Roche. I have the affidavit of Patrick Kinnear, which is as follows, and it is against Patrick Barrett that the application is made (*reading the affidavit*). My Lord, I apprehend that, under the circumstances, I am clearly entitled to have this very gross conduct explained.

Mr. Justice Keogh.] Does this man Barrett appear here.

Mr. Serjeant *Armstrong*.] I cannot say, my Lord.

Mr. Justice Keogh.] Let him be called.

Patrick Barrett, of Athenry, was called, but did not answer.

Mr. Justice Keogh.] Is he subpoenaed?

Mr. Serjeant *Armstrong*.] Not by us, my Lord.

Mr. Justice Keogh.] I can only do as I did in the other case. I must make the same order that he attend here on Saturday morning. Can you have him served to-day?

Mr. Serjeant *Armstrong*.] We hope so, my Lord. I presume that your Lordship will consider that service at his residence shall be sufficient?

Mr. Justice Keogh.] Yes. If possible have him served personally, and make out the order in the same form as the other order, namely, a conditional order, that he attend here and answer these charges. Follow exactly the same form. Give it to Mr. Concanen to be served at once. It is a very odd state of things that these applications should be made to me; this is the second application made in the progress of this inquiry.

Mr. Serjeant *Armstrong*.] With your Lordship's permission, I will state the head of evidence upon which I propose to go this morning. I propose to give evidence of the substance of several speeches made at the meetings by the Respondent, and by his brother, Mr. Sebastian Nolan, as some of the speakers. There were 12 public meetings. These meetings are independent of what are called the clerical or co-religious meetings, of which I have given evidence. These meetings, of which I am about to give evidence, range from the 5th of December 1871, to the 2nd of February 1872, inclusive. I shall proceed to bring home the responsibility of these speeches to the several parties.

Mr. JOHN McPHILPIN, sworn; Examined by Mr. Sergeant Armstrong.

Mr.
McPhilpin.
—
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6721. I BELIEVE you are the Proprietor of the "Tuan News"?—Yes.

6722. I believe that this is the account furnished by you for Captain Trench and Captain Nolan to the expenses agent, Mr. Magan (having an account to the *Witness*)?—Yes.

6723. Under the head of "1871, June 30th," there is "One leading article on election, 10*l*."; at whose instance was that written and published?—Mr. Sebastian Nolan.

6724. On the 21st of July, "A leading article on the election, 10*l*."; was that his also?—Yes.

6725. I may say in general terms that it was confirmatory of the Captain's claims upon the county?—Yes.

6726. Upon the same date, 21st July, "156 copies of 'News,' and the postage upon them 1*l*. 12*s*. 10*d*."; who ordered those?—Mr. Sebastian Nolan.

6727. On the 28th of July, "Insertion of letter from the Archbishop to Captain Trench" (that, my Lord, is the same letter as appeared in the "Freeman's Journal" of the 26th of July), 10*l*."; at whose instance was that inserted?—Mr. Sebastian Nolan.

6728. On the same date, "30 copies of our newspaper, 5*s*."; were those ordered by him?—Yes.

6729. August 1st, "500 circulars in print, being the Archbishop's letter, 3*l*. 15*s*."; were those ordered by Mr. Sebastian Nolan?—Yes.

6730. August 4th, "Insertion of letters of Father Lavella, 10*l*."; was that ordered by him?—It was.

6731. August 7th, "200 copies of your newspaper, 1*l*. 15*s*. 4*d*."; was that so?—Yes.

6732. On the 8th of August, "1,000 circulars with that letter, 7*l*. 10*s*."; did he order that?—Yes.

6733. On the 11th of August, "A leader on the election, 10*l*."; was that similarly ordered?—Yes.

6734. On the same day, "A leader, copied from the 'Nation,' 10*l*."; was that ordered?—Yes.

6735. On the 12th of August, "100 copies of the 'News,' which contained that leader from the 'Nation,' 16*s*. 8*d*."; were those also ordered by him?—Yes.

6736. On the 12th of August, "500 other circulars of the Archbishop's letter, 3*l*. 15*s*."; were those similarly ordered?—Yes.

6737. On the 18th of August, "A leader on the election, 10*l*."; did Mr. Sebastian Nolan order that?—Yes.

6738. On the 19th, "100 copies of your newspaper, 16*s*. 8*d*."; was that so?—Yes.

6739. On the 25th, "A leader on the election, 10*l*."; is that so?—Yes.

6740. On the 26th, "100 copies of the 'News,' 16*s*. 8*d*.";—Yes.

6741. September 1st, "A leader on the Galway election, 10*l*."; was that similarly ordered?—Yes.

6742. On the same date a leader, 17*l*.; I suppose that that was a heavy leader?—It was copied from another.

6743. By his direction?—Yes.

6744. On the 2nd of September 150 copies of

the "News," 1*l*. 5*s*.; were those ordered?—Yes.

6745. On the 9th 1,000 circulars of the Archbishop's letter, at 15*s*. per 100, 7*l*. 10*s*.; were those ordered by him?—Yes.

6746. On the 12th 3,000 circulars of the Archbishop's letter, at 15*s*. per 100, 22*l*. 10*s*.; was that ordered by him?—Yes.

6747. On the 15th, a leader on the election, 10*l*.; was that similarly ordered?—Yes.

6748. "Father Lavella's reply to Galwegian, at 2*s*. per line, 19*l*. 12*s*."; was that also ordered by Sebastian Nolan?—Yes.

6749. Five hundred copies of your paper of the 15th of September, 4*l*. 3*s*. 4*d*.; were those furnished?—Yes.

6750. And postage, 11*s*. 5*d*.?—Yes.

6751. On the 22nd of September, a leader on the election, 10*l*.; was that ordered by him?—Yes.

6752. Three hundred and ninety-six copies of the "News," 3*l*. 6*s*., similarly ordered, and postage 15*s*. 9*d*.?—Yes.

6753. Twenty-ninth, leader on the election, 10*l*.; was that so?—Yes.

6754. Insertion of the Clifton resolutions, 10*l*.; those were the resolutions at the clerical meeting?—Yes.

6755. Were those ordered to be inserted?—They were not ordered by Mr. Nolan.

6756. Who ordered them?—They were sent by the priest, Father McManus.

6757. Are you able to tell me whether Mr. Sebastian Nolan was aware of their insertion?—Yes.

6758. Did he ever find any fault?—No, he never complained to me afterwards.

6759. Leaders on the 29th of the same month (this is September), from the "Nation" and "Freeman," 15*l*. 6*s*.; were they inserted by Mr. Sebastian's order?—They were.

6760. Four hundred and nineteen copies of the "News," 3*l*. 9*s*. 10*d*.; were those ordered by him?—They were.

6761. Postage, 17*s*. 7*d*.?—Yes.

6762. October 2nd, "3,000 circulars of College resolutions, 22*l*. 10*s*."; what resolutions were those?—They were resolutions adopted at a meeting held by the priests at the college at Tuam.

6763. There were 5,000; who ordered their insertion?—These were printed circulars.

6764. Who ordered them?—Mr. Sebastian Nolan.

6765. Mr. Justice Keogh.] What college are you speaking of?—The college of Tuam.

6766. Mr. Sergeant Armstrong.] I suppose it is St. Jarlath's?—Yes.

6767. Thirtieth October, "Insertion of the D'Arcy correspondence, 238 at 2*s*., 29*l*. 16*s*."; who authorised the insertion of that?—Mr. Sebastian Nolan.

6768. On the 14th of October, 220 copies of the "News," 1*l*. 16*s*. 6*d*., postage 8*s*. 9*d*.; were those ordered by the same gentleman?—They were.

6769. On the 20th of October, leaders from "Nation" and "Freeman," 141 lines, 14*l*. 2*s*.; were those similarly ordered?—Yes.

6770. On the same day, leader from the "Weekly

"Weekly News" on the Portenau award, 5*l.*; was that ordered?—Yes.

6771. Twenty-seventh October, "Leader on the election, 10*l.*"; was that similarly ordered?—Yes.

6772. "John Mitchell on the election, 5*l.*"; was that similarly ordered?—I am not certain about John Mitchell; I was not there at the time.

6773. Who was in charge of your establishment at that time?—I think, Mr. Byrne.

6774. "A leader on the election, on the 4th of November, 10*l.*"; was that ordered by Mr. Sebastian Nolan?—I think so.

6775. And 300 copies of the "News"; were they furnished?—Yes.

6776. And postage 12*s.* 9*d.*?—Yes.

6777. On the 10th of November, "A leader on the election, 10*l.*" Until you stop me, I will assume that Mr. Sebastian Nolan ordered all these; unless you except, we will assume that Mr. Sebastian Nolan ordered the whole, or was pety to them as well as the others.

Mr. Macdonagh.] I shall be very glad indeed to abridge time, but the ordering by Mr. Sebastian is the most vital part.

Mr. Justice Keogh.] You must go through them.

6778. Mr. Sergeant Armstrong.] "A leader on the election, 10*l.*," was that ordered by Mr. Sebastian Nolan?—Yes.

6779. On the 11th, 300 copies of the "News," 2*l.* 10*s.*, postage 12*s.* 9*d.*; was that ordered by Mr. Sebastian Nolan?—Yes.

6780. On the 24th, a leader on the election, 10*l.*; was that ordered by him?—

6781. On the same date there was a leader from the "Mayo Examiner," 120 lines, 12*l.*; was that ordered by him?—Yes.

6782. On the 24th there were 50 copies of the "News," 8*s.* 4*d.*; was that ordered by him?—Yes.

6783. Fifth December, 500 circulars of the college resolutions and Father Dooley's letter, 3*l.* 15*s.*; were those the Tuam resolutions?—They were the Tuam resolutions, and the letter written by Father Michael Dooley to Captain Nolan.

6784. Were they ordered by Mr. Sebastian Nolan?—Yes.

6785. On the 8th there were 500 large posters for the Athlery meeting, at 1*l.* per 100, 5*l.*; were those ordered by him?—Yes.

6786. Did you ever see Pat Barrett posting any of them?—Never.

6787. Did he get any of them?—I do not know.

6788. On the 9th of December there was a paragraph from the "Nation," 2*l.* 14*s.*; was that ordered by Sebastian Nolan?—Yes.

6789. On the same date there is the mention of the Athlery resolutions, 10*l.*; were those the resolutions come to at the Athlery meeting of the 6th of December?—I believe so.

6790. Was that ordered by Mr. Sebastian Nolan?—Yes.

6791. Two hundred and eighty copies of "News," 2*l.* 8*s.* 8*d.*, postage 10*s.* 10*d.*; were those ordered by him?—Yes.

6792. On the 10th of December, "500 circulars of college resolutions and Father Dooley's letter, 3*l.* 15*s.*"; were those ordered by him?—Yes.

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6793. On the 11th of December, "300 circulars of Archbishop's letter, at 15*s.*, 3*l.* 15*s.*"; were those ordered by him?—Some of those orders were given by his men with regard to circulars.

6794. Were they acting for him, to your knowledge?—Yes, I believe so.

6795. Were you in continual conversation with Mr. Sebastian Nolan upon the subject from time to time?—I had no conversation with him about it.

6796. Did he give the order?—Some, I believe, came through his clerks.

6797. Did he see the papers afterwards?—Yes.

6798. Did he ever find any fault with them?—Never.

6799. December 13th, "200 large posters (Athlery meeting) at 1*l.*, 2*l.*"; were those ordered?—Yes.

6800. "On the 14th of December there were 150 large posters of the Athlery meeting, 1*l.* 10*s.*"; those were similarly ordered?—Yes.

6801. On the same date, "200 circulars (Athlery resolutions), 1*l.* 10*s.*"; were those similarly ordered?—Yes, I suppose that that was by Mr. Sebastian Nolan.

6802. Mr. Macdonagh.]—In person?—I think so. If I had the book I could tell you.

6803. Mr. Sergeant Armstrong.] On the 14th, "200 circulars of Sir Thomas Burke's letter, 1*l.* 10*s.*"; that was ordered by him?—Yes.

6804. That is the letter to the Archbishop?—No, I think not.

6805. What was it?—I think that it was the Loughrea circular; that was Sir Thomas Burke's letter.

6806. It was a matter which he got printed off himself, and got reprinted?—Yes.

6807. On the 15th there was "A leader on the Galway Election, 10*l.*"; that was ordered by him?—Yes.

6808. "Insertion of report of Loughrea meeting, 404 lines, 40*l.* 8*s.*"; was that ordered by him?—Yes.

6809. That was a large meeting?—No, it was the meeting of the landlords on the 13th of December.

6810. Who prepared that report?—It was given to Mr. Byrne, and I was informed that it was given him by Mr. Nolan.

6811. And I suppose that you knew that it was a perfect burlesque?—No.

6812. On the 15th there is the item "Athlery resolutions inserted, 5*l.*"; that was ordered by him?—Yes.

6813. "Five hundred copies of the 'News,' 4*l.* 8*s.* 4*d.*"; those were ordered by him?—Yes.

6814. "Postage, 8*s.* 9*d.*"?—Yes.

6815. On the 16th there is an item, "500 large posters (Athlery meeting), 5*l.*"; that was similarly ordered?—Yes.

6816. "One thousand circulars, Athlery resolutions, 7*l.* 10*s.*"; those were the resolutions of the 6th of December, I presume?—I think so.

6817. These were similarly ordered?—Yes.

6818. On 17th of December, "200 large posters (Athlery meeting), 2*l.*"; those were similarly ordered?—Yes.

6819. On the 22nd, "200 large posters (Dun-

more

Mr.
Mr. Pidgeon.
—
11 April
1872.

Mr.
McPhillip.
21 April
1872.

more meeting), 2 l."?—That is posters for the Danmore meeting.

6820. Were they ordered by him?—Yes.

6821. Twenty-second December, "Leader on Election, 10 l."; was that ordered by him?—Yes.

6822. Then there is a leader on the same day from the "Nation" (204 lines), 20 l. 8 s.; then upon the same day, "200 copies of 'News,' 1 l. 13 s. 4 d., and on the same day, "Leader from 'Freeman,' 10 l."; all those were ordered by Mr. Sebastian Nolan?—These were posters for the Tuam meeting.

6823. No, we have not got to that yet; these are leaders?—I believe that those were ordered.

6824. And on the 28th of December there were 350 posters for the Tuam meeting, 3 l. 10 s.; were they ordered by him?—Yes.

6825. And postage 4 s.?—Yes.

6826. On the 29th there is this item, "300 posters (Tuam meeting), 3 l., leader on Galway election, 10 l."; were those ordered?—Yes.

6827. "Leaders from 'Nation,' 'Cork Examiner,' and 'Leinster Independent,' 32 l."; were those ordered?—I believe that those were ordered.

6828. On the 30th of December there were "600 copies of 'News,' 5 l."; those were ordered?—They were.

6829. And "200 large posters (Headford meeting), 2 l."; they were ordered?—Yes.

6830. "Third January 1872, 500 large posters, Mount Bellew Bridge meeting, 5 l."; were they ordered?—Yes.

6831. On the 4th of January, "600 posters for Mount Bellew Bridge meeting, 6 l."; were they ordered?—Yes.

6832. "Fifth January, leader on election, 10 l."; was that ordered by Sebastian Nolan?—That one was ordered, but the next was not.

6833. I see under the same date a similar item, 10 l.?—That was not ordered.

6834. Under what circumstances was it written?—It was not ordered, it was written by the editor.

6835. You do not charge it?—No.

6836. "Lavelle, Gray, and Sullivan, on Post-caravan, 206 lines, 20 l. 12 s."?—They were not leaders, they were just remarks.

6837. Strictures and comments to the extent of "206 lines, 20 l. 12 s."; were these ordered?—Yes.

6838. On the 6th of January there is this item: "700 copies of 'News,' 5 l. 16 s. 8 d."; were they ordered?—Yes.

6839. "Postage, 15 s. 11 d."; that was ordered, of course?—Yes.

6840. On the 19th of January there were "800 large posters, 'Who are the Trench's?' 8 l."?—Yes.

6841. That was an unctuous production; who ordered that? "Who were the Trench's?"—I think that it was sent by Mr. Nolan's clerk; I cannot say.

6842. It was either by Mr. Sebastian Nolan or his clerk; "postage, 10 s. 8 d."?—Yes.

6843. Tenth, "300 circulars to priests, 2 l. 5 s.; 200 large posters, 'Who are the Trench's?' 2 l., postage, 2 s."; was all that ordered?—Yes.

6844. On the 11th of January, "600 large posters, election address, 6 l."; that was ordered by Sebastian Nolan?—Yes.

6845. On the 12th, "Leader on the election, 10 l."; was that ordered?—Yes.

6846. "Captain Nolan's letter to the 'Times' inserted, 3 l."; who ordered that?—Mr. Nolan.

6847. "The plans of the evening, 68 lines 6 l. 16 s." I believe that the publication of a letter of yours was intercepted, and that it fell into the enemy's hands?—I believe so.

6848. How did you get it?—It came from Mr. Nolan's office.

6849. It was a matter amongst ourselves which fell into his hands; a very good manoeuvre?—

6850. Mr. Macdonagh.] Are you answering to all that Mr. Sergeant Armstrong says?—I did not speak just now.

6851. Mr. Sergeant Armstrong.] "Papist priests' letter to Father Lavelle, 5 l." did Father Lavelle write that himself?—I don't not.

6852. Who wrote it?—It was written by the other priest, I think.

6853. "Election address, at 1 s. per line, 100 lines, 9 l. 10 s."; was that ordered?—Yes.

6854. "Leader on election, 10 l."; was that ordered?—It was.

6855. "Five hundred circulars of Captain Trench's letter, 3 l. 15 s."; was that ordered?—Yes.

6856. "Eleven hundred and fifty copies of 'News,' 9 l. 12 s."; was that ordered?—That number was not ordered, but some were ordered.

6857. How many were ordered?—I believe that the order was given for 600.

6858. Was any complaint ever made?—No.

6859. Did Sebastian ever say that the order was exceeded, or find any fault?—No.

6860. The date is the 12th of January 1872; was that the "News" of the 12th?—Yes.

6861. Then there is a special item; "Two columns of advertisements omitted to make space for report of Loughrea meeting, 10 l."; had you to omit two columns of advertisements to make room for the Loughrea meeting?—I had.

6862. On the 15th of January there is "500 circulars (Father O'Brien's speech), 3 l. 15 s."; were those ordered?—They were.

6863. "One thousand large posters, 'Cromwellian,' 10 l."; that was a siliing complimentary, I believe, to Captain Trench?—Yes.

6864. Who wrote that?—I have not an idea.

6865. Who gave it to you?—It came from Mr. Sebastian Nolan's office.

6866. January the 16th, "150 circulars (Memorandum of Agreement), 1 l. 2 s. 6 d."; was that ordered?—It was ordered by Mr. Connelley Nolan.

6867. January 16th, "300 large posters (Jarrow coal tenantry), 3 l."; who ordered that?—Those were ordered by Mr. Nolan's clerks.

6868. On 17th January, "200 circulars, 1 l. 10 s."; do you recollect who ordered those?—That order was given by Mr. Nolan.

6869. On the 18th of January, "300 ditto (Memorandum of Agreement) 2 l. 5 s."; were they ordered?—They were.

6870. On the 18th, "700 large posters, 'Trenches and their Lics,' 7 l."; who ordered that?—Mr. Nolan.

6871. Do you know who wrote it?—I could not tell you.

6872. It came from the office?—Yes.

6873. On the 19th of January, "Leader at the Election, 10 l."; that was ordered?—Yes.

6874. Then on the same day another leader was charged for?—That was not ordered.

6875. "Insertion of Earl Clancarty's speech, 298 lines,

293 lines, 293 lines, 29 l. 6 s.; who desired that to be inserted?—Mr. Sebastian Nolan.

6876. Then there is the insertion of an election address, 9 l. 10 s.; was that ordered?—Yes.

6877. "John Martin's letter inserted, and letter on Trench tenantry, 10 l. 12 s.; who directed those to be inserted?—Mr. Nolan, I believe.

6878. "Eight hundred copies of the 'News,' 6 l. 13 s. 4 d.; was that ordered?—Yes.

6879. Then on the 20th of January "200 posters (Milltown meeting), 2 l.; were those ordered?—Yes.

6880. On the 20th, the same date, "100 circulars (Memorandum of Agreement), 15 s.; were they ordered?—Yes.

6881. On the 22nd, "200 extra posters (Newbridge meeting), 2 l.; were they ordered?—Yes.

6882. On the 23rd, "500 extra posters (The Trenches and their Lies), 5 l.; was that ordered?—Yes.

6883. On the 25th, "1,000 circulars (Law Life Estate Letter), 7 l. 10 s.; were they ordered?—I believe that they were ordered by Mr. Sebastian Nolan.

6884. On the 26th, "200 extra posters (Newbridge meeting), 2 l.; were they similarly ordered?—Yes.

6885. On the same date, "A Leader on the Election, 10 l.; was that ordered?—Yes.

6886. "Insertion of Election Address, 9 l. 10 s.; that, of course, was ordered?—Yes.

6887. "Insertion of Balinacorney resolutions, 10 l.; was that ordered?—Yes.

6888. On the 27th, "600 copies of the 'News,' 5 l.; were they ordered?—Yes.

6889. And postage, 57 l. 0 s. 3½ d.;—Yes.

6890. As I understand, these extraordinary copies of the "News," to which I have been advertising, were not sent to ordinary subscribers, they were extra?—Yes.

6891. "One hundred posters ('Tally-rooms'), 1 l.; those, of course, were ordered?—Yes.

6892. "Two hundred sheets of Lists of Voters, 2 l.; were those ordered?—Yes.

6893. On the 31st of January "1,000 posters ('The Trenches and their Evictions'), 10 l.; who gave you that?—Mr. Nolan.

6894. On the 1st of February, 2,000 circulars (Galway Election), 15 l.; was that ordered?—Yes.

6895. On the 2nd, "2,000 circulars (Father Green's Letter), 15 l.; was that ordered?—Yes.

6896. "Four hundred large posters (Nolan's Case), 4 l.; was that ordered?—Yes.

6897. Those were to stick on the cars?—Yes.

6898. "Eight hundred and fifty copies of the 'News,' 7 l. 1 s. 8 d., and postage 15 s. 4 d.; were those ordered?—Yes.

6899. "A Leader on the Election, 10 l.; that was on the 2nd of February, that was the day before the nomination; was that ordered?—Yes.

6900. "Balinacorney resolutions, as advertisement, 5 l.; was that ordered?—It was.

6901. And on the 2nd of February, "Election Address inserted, 9 l. 10 s.; that, of course was ordered?—Yes.

6902. On the 4th of February, "1,942 copies of the 'News,' 16 l. 3 s. 8 d.; were they ordered?—I.

dered?—That number was not ordered; it was a special edition of the "News."

6903. Published at their instance?—Yes.

6904. For their object and purpose, to disseminate what had taken place?—Yes.

6905. And postage, 3 l. 6 s. 8 d.;—Yes.

6906. "Election Address in special edition, 9 l. 10 s.; was that published?—Yes.

6907. "Special Edition of the 'News,' 50 l.; was that got out at their instance?—Yes.

6908. On the 5th of February, "500 tickets for voters, 3 l. 15 s.; in the same day "100 large posters of Tally-rooms, 1 l." Those were ordered, of course. Who ordered the posters of the Tally-rooms?—I believe that Mr. Higgins ordered them.

6909. On February 10th, "24 copies of the 'News,' 4 s.; were they ordered?—No, they were not ordered, but they were sent.

6910. On March the 1st, "Notice—Galway Election, 1 l. 7 s.;—Yes.

6911. That makes a total of 1,065 l. 9 s. 3 d.;—Yes.

6912. Have you got anything on account?—Yes.

6913. How much?—50 l.

6914. When did you get it?—I got it in November.

6915. Who gave it to you; did you get it in one bulk?—No.

6916. How much did you get first?—I got 50 l. first.

6917. Who gave you the 50 l.?—Mr. Nolan.

6918. Which of them?—Sebastian Nolan.

6919. Was it by cheque?—No.

6920. In cash?—Yes.

6921. When did you get the other 40 l.?—By a cheque in January.

6922. Signed by Sebastian Nolan?—Yes.

6923. I presume that as to some of these leaders you know the author?—Yes.

6924. Did Father O'Brien write some of them?—No.

6925. Father Lavelle?—No.

6926. Tell me who did it?—I believe that they were written by Mr. Nolan.

6927. Which of them?—Sebastian Nolan.

6928. Mr. Macdonough? Were all written by Sebastian Nolan?—Mostly all that we charged for, excepting five or six.

6929. Mr. Serjeant Armstrong? Do you recollect the notice which was published, so the effect that any votes given for Captain Trench would be thrown away?—I saw them published in the newspapers.

6930. Were they published in your establishment?—No.

6931. By whom were they?—I do not know.

6932. What is the heading of this circular (heading a circular to the Witnesses)?—It refers to a monster open-air meeting.

6933. Who is the author of it, to the best of your knowledge and belief?—I could not tell you.

6934. Was it Sebastian?—I think so.

6935. I presume that this was one of the posters referred to in your bill, "A Monster Open-Air Meeting will be held in Milltown on Tuesday 23rd January;" was that one of the posters to which you refer?—Yes.

6936. Here is one, headed "Galway Election.—The Trenches;" that is charged for in your bill; I will just read it: "Who are the Trenches who seek to force themselves on the county of Galway

Mr.
Mr. Fiddgen,
11 April
1872.

Mr.
N. Philip.
—
13 April
1875.

by the aid of the Crowbar Brigade? At Anghrim when a decisive victory was about to restore Ireland's freedom, a treacherous shot from the gun of a French killed St. Rath, and procured Garbally for the Frenches, Slavery for Ireland! In '68, when Ireland was for a short time independent, the casting vote of a French gave that family 12,000 l. and a title, the cursed Union, and serfdom to Ireland. Since the landing of the Frenches with Cromwell they have done all in their power to bind the chains closer on this unhappy land! Captain French now seeks to forge a new chain by a Coercion Bill for down-trodden Ireland! How have the Frenches treated their tenantry? They are amongst the largest exterminators in Ireland! A French was the author of the books boasting of extermination to prevent the Land Act being passed. That is enough of it. "God save Ireland!" Who wrote this, did it come from Sebastian's office?—It came I believe from the office.

6937. Here is another, "To the Electors of Galway.—Vote for Nolan." (*According to the sense to the Witness*). Did that come to your office at Tann, "Vote for God, and your Country." Did that come from Sebastian Nolan's office?—No.

6938. Where did you get it?—I never saw it until I saw it on the walls.

6939. Was it printed at your place?—No.

6940. This is another. "A Monster Open Air Meeting will be held in Newbridge on Sunday 28th January for the purpose of supporting the candidature of John Philip Nolan. Men of Galway, the peers are in the war-path against Home Rule! They have vowed an unholy vow to put down the peasants and the Nationalists!" and so forth. "Our Saxon oppressors hate John Philip Nolan, because they know he will secure all this for Ireland, when in Parliament. Captain French comes forward to carry into effect the Classicist menace, to enslave Galway by a Coercion Bill! Rise, Newbridge, and lead the van in Ireland's battle!" Where did you get the original of that (*According to the placard to the Witness*). Was it from the office of Sebastian Nolan?—Yes.

6941. Was the archbishop at your office talking to you at all while these things were in the process of publication?—I never spoke to the archbishop.

6942. Was Father MacManus there?—Never.

6943. Was Father Thomas here?—He was in the office, but he never spoke about it.

6944. Did you personally attend any of those monster meetings?—I did.

6945. Did you attend them all?—Yes.

6946. There was a meeting at Athenry on the 6th of December 1871, were you there?—I was not at the meeting of the 6th.

6947. Were you at a public meeting at Athenry?—Yes.

6948. When was that?—I believe on December the 19th, I think so.

6949. That will be No. 2. Were you at the Tann meeting on the 31st of December?—I was.

6950. Were you at Mount Bellew on the 7th of January?—Yes.

6951. Were you at the meeting at Gort on the 11th of January?—On the 1st of January.

6952. Were you at the meeting at Loughrea on the 11th of January?—I think that it was not on the 11th of January.

6953. On what day was it?—I think on the 12th of January.

6954. Were you at it, at all events?—I was.

6955. Were you at Ballinacree on the 14th of January?—I was.

6956. Were you at Portumna on the 15th of January?—I was.

6957. Were you at Milltown on the 23rd of January?—Yes.

6958. Were you at Dummora on the 26th of December?—Yes.

6959. Were you at the Galway meeting on New Year's day?—I was in Gort.

6960. Were you at Newbridge on the 28th of January?—I was.

6961. Were you at the Headfort meeting?—I was.

6962. That was on the 26th of January 1872?—I believe so.

6963. Did you afterwards see the reports; you have a charge for them in your bill?—There were no reports charged for at all.

6964. Did you see the reports of the public meetings?—I did.

6965. Were they essentially correct?—I do not know.

6966. You cannot state?—No.

6967. Were you acquainted with the persons of any of the clergymen?—I was; I never reported any of those meetings.

6968. Who was your reporter; was it the same gentleman who reported on all occasions?—Yes.

6969. Who was he?—Mr. Byrne.

6970. The gentleman to whom you have already referred as the editor?—Yes.

6971. Was Mr. Sebastian Nolan aware of Mr. Byrne's attendance, reporting in the interest of his brother?—He saw him at the meetings.

6972. He saw him in the act of reporting?—Yes.

6973. We will take the meeting at Dummora, that was on the 26th of December, St. Stephen's day; you were there?—I was.

6974. Was the Rev. Mr. O'Brien, the parish priest, there?—He was.

6975. Was the Rev. Mr. Thomas of Tann there?—I am not certain about him.

6976. Was the Rev. Mr. O'Connor, of Wilhamstown, there?—I am not certain.

6977. Was the Rev. Mr. Prandergast, of Tann, there?—Yes.

6978. Was Father Loftus there?—He was.

6979. Was Father Mullerky there?—He was.

6980. Was Father Linckey there?—I think so; I am not certain.

6981. Was Captain Nolan there?—Yes.

6982. Was Mr. Sebastian Nolan there?—He was.

6983. And his brother?—I do not know about him.

6984. Can you tell me accurately either the resolutions or the speeches?—No; I am not a reporter.

6985. I suppose that the reporter has the means of telling us; you were at the meeting of Portumna?—I was.

6986. Was Captain Nolan there?—He was.

6987. And were both his brothers there; at any rate, Sebastian Nolan?—They were.

6988. Was Father Manning there?—He was.

6989. Was Father Lackin there?—I cannot say.

6990. Was the Rev. Mr. Cantley there?—I cannot say.

6991. Was

6991. Was the Rev. Mr. Heron, the parish priest, there?—I cannot say.

6992. The Rev. Mr. Callaghan?—I am not certain about him.

6993. The Rev. Mr. Devine?—I am not certain about him.

6994. The Rev. Mr. Mullen?—Yes.

6995. The Rev. Mr. Blaney?—I am not certain.

6996. The Rev. Mr. Cannon?—I think he was.

6997. The Rev. Mr. Walsh?—I am not certain about him.

6998. The Rev. Mr. Mullen?—Yes, he was there; there was only one Rev. Mr. Mullen.

6999. The Rev. Mr. Griffin?—I am not sure about him.

7000. Was the Rev. Mr. Madden, the Catholic curate, there?—I am not certain.

7001. The Rev. Mr. Mullen, the Catholic curate?—I am not certain.

7002. The Rev. Mr. Furlong?—I think so; I am not certain.

7003. The Rev. Mr. Byrne, the Catholic curate?—Yes.

7004. The Rev. Mr. Bristol?—I do not know.

7005. Were there at that meeting a great many Roman Catholic priests, whose names you are not able to give, in addition to those whom you recollect?—Yes, there were a great many there.

7006. We will take the Ballinacree meeting; was the Rev. Mr. Kieran there?—I am not certain.

7007. Was the Rev. Father Milat there?—He was.

7008. The Rev. Father Green?—I do not know.

7009. The Rev. Mr. Malcarran?—I do not know.

7010. The Rev. Mr. Rye?—I do not know.

7011. The Rev. Mr. Cohn?—The parish priest of Kilton?—He was there.

7012. The Rev. William Manning?—He was.

7013. Was the Rev. Mr. Byrne there?—I am not certain.

7014. Were Captain Nolan and his brother Sebastian Nolan there?—They were.

7015. We will now take the Town meeting; you were there?—Yes.

7016. That was on a Sunday; was the Rev. Mr. Bourke there, the president of St. Jarlath's College?—He was.

7017. Was the Rev. Mr. Thomas there?—He was.

7018. Was the Rev. Thomas Carr, one of the professors of the college, there?—Yes.

7019. Was the Rev. Father Prendergast there?—I am not certain about him.

7020. Was Captain Nolan there?—He was.

7021. Was Mr. Sebastian Nolan there?—He was.

7022. And were there other priests, whose names you cannot recollect, or did not identify?—Yes; I do not recollect the names.

7023. But as a fact there were others whose names you cannot furnish to me?—Yes.

7024. I will take the meeting at Gort; you were at it also?—I was.

7025. Was Father Shannon there?—He was.

7026. Was Father Lavelle there?—He was.

7027. Was Father Connolly there?—I am not certain.

7028. Father Arthur?—I am not certain; I do not know the name.

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7029. Father Stanton?—I believe he was.

7030. Father Grealy?—I believe so; I am not certain.

7031. Father Kenney, the parish priest of Kiltier?—Yes.

7032. The Reverend Michael Nagle?—Yes.

7033. The Reverend Father MacDonogh?—I am not certain.

7034. Father Molony?—I am not certain.

7035. Father John Morris?—He was there.

7036. Father Considine?—Yes.

7037. Father Quinn?—I do not know Father Quinn.

7038. Father Grogan?—I do not know him.

7039. Was Father Mahony there?—I think so.

7040. Were there several priests, whose names you cannot give me, besides those whom you have mentioned?—Yes.

7041. Was Captain Nolan there, as well as his brother Sebastian?—Yes.

7042. And I see that your editor, Mr. Byrne, was also there; he was reporting at all those meetings?—Yes.

7043. Listen to this: "As soon as the religious ceremonies of the day were concluded in the country parishes, the crowds in the streets, already numerous, began to increase, and from one o'clock the country contingents began to pour in with a display of numbers and strength most impressive. Coming from the four extreme points of the town might be seen ever and anon the contingent of a parish or a district arriving, a priest riding at the head of his people, after him some score of mounted farmers, and then the mass of the people on foot; over their heads waving Irish banners, and the village bands playing them into the town. Many such popular and improvised armies might be seen arriving into Gort on this day and in this fashion, with almost military precision, fringed-coated infantry and cavalry, and their captains riding at their head, wearing green rosettes, and their horses decked with green saddle cloths. The sight was a most imposing and inspiring one, and amply manifested the extent of the power of the priests in this diocese, exercised with moderation and omnipotent for good." Is that a fair description of what you saw?—I believe so.

7044. Who is the author of it?—I believe Mr. Byrne.

7045. Did you hear this resolution, proposed by the Reverend B. Considine: "That we deem every Catholic a renegade and recreant who would support Captain Trench, the son of a most notorious enemy of the Catholic religion, Lord Clancarty, and the nominee of the bigots and anti-Catholics of the country"?—No.

7046. Were you near the platform?—I was on the platform for about an hour.

7047. I suppose that you were thinking how much you would charge, as was very natural?—No, I was not.

7048. How did you happen not to hear that?—I was not paying much attention to it.

7049. You were thinking of something else in fact?—Yes.

7050. Were you at the banquet in the evening?—I was.

7051. Is this a fair description of it, because, if so, I would like to have it extended to other cities: "A sumptuous subscription banquet, tickets 7 s. 6 d. each, had been prepared, at which Captain Nolan was entertained in the evening."?

—Yes; he was entertained at a banquet.

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Mr.
McPherson.
11 April
1872.

Mr.
Mr. Phillips.
11 April
1878.

7052. Was it a sumptuous one?—It was.
7053. I saw it was enlivened by song and mirth; and, "emblazoned high on the wall, on a ground of green," were these simple, touching, lines (this was the dinner given at Gort to the Gallant Captain; here is the description of his brother officer):

"There's grace in the palpit,
There's wit on the bench,
But there's nothing but dirt
To be found in a Trench."

Now you remember that, I am sure. Was Father Conolly there, the Vicar General?—I do not know.

7054. Was Father Lavelle there?—He was.
7055. He made a speech?—He did.
7056. He could not be there without making a speech. Mr. Sebastian Nolan was there?—He was.

7057. Father Nagle?—He was.
7058. Father Grealy?—I am not certain about him.

7059. Father Kenny?—I am not certain.
7060. Were there several priests present whose names you did not pick up?—There were some priests there whose names I do not know.

7061. Did you return thanks for the health of "The Press," or was it Mr. Byrne?—It was Mr. Byrne.

7062. Did Captain Nolan propose that?—I think not. I think it was the chairman, Father Shannon.

7063. And then Mr. Byrne returned thanks in an appropriate and eloquent speech as the phrase is?—Yes.

7064. Were you at the Newbridge meeting on the 2nd of February?—I was.

7065. There is a description of the weather which I will pass over. "At one o'clock" (when the day cleared) "the bold peasantry of the neighbourhood showed in their strength, and having acquitted themselves of their duty to God in their respective chapels, marched into Newbridge with flags waving, ribbons flying, cheers piercing the thick atmosphere, showing that they were not unmindful of what they owed to their country. Despite the bad weather, the scene at this time was very lively; the enthusiastic crowd, the gay pennons, the brass band from Tuam with its cheering strains. And the day actually did clear up at about three o'clock, when Captain Nolan, accompanied by many clerical and lay supporters, proceeded from Father Murray's residence, greeted on his way with loud cheers to the place of meeting." That is a fair description, I suppose?—I think so.

7066. "On the platform (a most commodious one) were the following: Father Murray." Was he there?—He was.

7067. "Father White?"—I am not certain.
7068. "Father Healy?"—I could not say.

7069. "Father McGee?"—I am not certain.
7070. Captain Nolan himself?—Yes.

7071. Mr. Sebastian Nolan?—Yes.

7072. Were there other priests present whose names you cannot give me?—Yes, there were other priests there.

7073. Did you hear Father Murray say this in his speech: "By-and-bye they would hear Captain Nolan speak for himself; but they could all see by his manly, open countenance, that he was an honest man, an honourable man, and one worthy of their support (cheers). If he were not so, he would not be the nominee of Archbishop

MacHale (three cheers for the archbishop), and the elect of the priests and people of the great county of Galway." Is that correct?—I was not there when Father Murray spoke.

7074. Then Captain Nolan made a speech himself. Were you at the Milltown meeting?—I was.

7075. Was Father Lavelle there?—He was.
7076. Did he make a speech?—He did.

7077. Did you hear any part of his speech?—I heard him speak.

7078. Was Father King there?—I believe he was.

7079. Father Loftus?—Yes.

7080. Father Mullarkey?—I am not certain.

7081. Father McGee?—Yes.

7082. Father Curran?—He was.

7083. Were other priests there whom you could not identify?—Yes.

7084. Was the captain there?—Yes.

7085. And Mr. Sebastian Nolan?—Yes.

7086. Did you hear this part of Father Burke's, the Vicar General's speech:—"On the other hand, the priests of the Catholic Church, who are men of learning, men, as a body, of singleness of purpose; men who have no end in view but the spiritual gain of the masses in the first place, and their social and political amelioration in the second; men who yearn to see the people educated, and to behold them, as the people of the Promised Land had once been, happy in the shade of their own homes, and enjoying the produce of their own farms; men who are identified with the people in social, national, and religious hopes. Behold the action of the landlords, as they behold it at Leithwaite, and at once they cry out: we call upon you, in the name of honour, freedom, truth, country, creed, of religion, of God, do not vote for the landlords' candidate; do not vote for Colonel Trench, but vote for one who is of your race, and your creed; who has ability, honesty, honour, love for the people, for their country, and their creed; vote for Captain John Philip Nolan (tremendous cheering). There are two parties, then, the priests on the one side, and the landlords on the other." Did you hear that?—I cannot say that I heard it, because I was not attending.

7087. "The priests, as one man, ask you to vote for Captain John Philip Nolan (tremendous cheering, and cries of 'We will, we will')." Did you hear the tremendous cheering?—Yes; there was cheering.

7088. "It is not one priest, or two, or three priests of one diocese, nay, all the priests of four dioceses, with the illustrious Archbishop of Tuam in the van, surrounded by the ecclesiastical leaders; the Bishops of Galway, Clonfert, and Elphin, call on you with one voice to follow them to the poll and vote for Captain John Philip Nolan." Did you hear that?—I could not say that I heard it.

7089. Did you hear this:—"Father Lavelle next addressed the people. He said: 'Men and women of Milltown; God save Ireland!'"—I was not there when Father Lavelle addressed them.

7090. You did not hear anything that he said?—I heard him speak, but I paid no attention.

7091. Did you hear him say this, or were you altogether absorbed in pecuniary contemplation?—Yes.

7092. "Our generalissimo is John Archbishop of

of Tuzan, the lion of the fold of Judah, the Israel of Ireland"—

Mr. Macdonagh.] Is this Father Lavelle's speech?

Mr. Serjeant Armstrong.] I think so.

Mr. Macdonagh.] This gentleman said he did not hear it.

Mr. Serjeant Armstrong. No, it is Father Lynkey's speech: "The lion of the fold of Judah, the Israel of Ireland. Could you send down his grey hairs with sorrow to the grave? ('No, no!') You will make him as triumphant in this as he has been in all other battles. The subordinate generals are the Bishops of Galway, Elphin, and Clonfert. The captains and officers of this grand army are the priests of the four dioceses of the province, among whom Father Lavelle and Father Burke, Father Flannelly and Father McGee, Father Loftus, and even my humble self, do hold no insignificant position (*tremendous cheers*)." Did you hear that?—I could not say that I heard it; I was not there when he spoke.

7093. You did not hear this:—

"Come one, come all;
This rock shall fly from off its base
As soon as I—"

No, I have no recollection of it.

7094. Did you hear this:—

"Where is the man with soul so dead,
Who never to himself hath said,
Ireland is my own, my native land;
Whose soul within him as't be burnt,
As lone his footsteps he hath turned,
After wandering in a foreign land?"

Did you hear that ingenious parody of Sir Walter Scott's poem?—I did not.

7095. "Ireland, Ireland, the place of my birth,
The prettiest spot on the face of God's earth."

Did you hear that?—Yes.

7096. "Thanks be to God, we are all now in the present contest, prelates, priests, and people, united together as one man to return Captain Nolan as our representative in Parliament for the great county Galway." Did you hear that? Had you a vote at all?—No.

7097. You were at Mount Bellew; we will take that one. Did you see Father McGee there?—I did.

7098. And Father Barrett?—Yes.

7099. And Father Carr, Professor at St. Jarlath's College?—Yes.

7100. And Father Loftus, the ubiquitous?—Yes.

7101. He ought to hear the motto of the Artillery, "*Ubiqum*." Was Father White there?—He was there.

7102. I was going to say "Father Nolan," but he has not come to that yet; was Captain Nolan there?—Yes.

7103. And other priests of whom you cannot give me the names?—Yes.

7104. Did you hear the Captain make his speech?—I heard him speak.

7105. But you do not know a word he said?—No.

7106. Could you read a newspaper all the evening, and never know a word you had read?—There were so many of them.

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7107. But have you that faculty of reading them and not knowing one word that is in them when you have done? I envy you, if you are a man who has come to that mental state of enjoyment, I assure you. Did you hear Father Lavelle say: "Good men and true of Loughrea, cleroes and non-cleroes of the county of Galway (*cheers*). I ask you to raise your voices after me with 'God save Ireland' (*Tremendous cheering and cries of 'God save Ireland'*). Now, 'Hurrah for the Green' (*tremendous cheering and prolonged shouts of 'Hurrah for the Green'*). Did you hear that?—Yes.

7108. Did you hear this: "Now, my friends, for I feel that I love my friends on all sides; friends of mine, of Galway, and of old Ireland (*cheering*), I hold in my hand three documents: the first is the resolution I am going to read for you, the other is a letter from the priest-hunter of Marble Hill." Did you hear that?—I did not.

7109. Did you like that: "Sir Thomas Burke, a priest-hunter"?—I did not hear that.

7110. "The third, which I have just now been handed, is a threatening notice from the learned, gifted, and intelligent baronet's (*laughter*) brother-in-law." That is Captain Daly, I suppose. You did not hear that?—No.

7111. Did you hear the correspondence of the Archbishop read?—I did.

7112. Did you hear Father Lavelle say that he himself had received a threatening letter?—I do not remember that I heard him say that.

7113. Listen to this:—"We had Home Rule before. It is our inalienable birthright; it was sold for a mess of pottage by Ireland's recent sons, and must be restored. In the words of the late Archbishop, thousands heard the expression, and can attest that the words used were, sounded not his deathknell, but his political deathknell (*cheers*)" [that is about the deathknell of Sir Thomas Burke]; "and am I the man to be charged with such a crime? (*Sensation*). Do you see the brand of Cain upon my brow?" (See how Cain crops up there now.) "Have I the lineaments of an assassin? And yet this man dared to call me one, having the heart and hand of an assassin (*Groans for Sir Thomas*)." Did you hear that?—I was not there.

7114. Did you hear Sir Thomas Burke deny all this on his oath the other day?—Indeed, Sir Thomas Burke may be quite certain of a whole skin so far as Father Lavelle is concerned (*cheers*). Did you hear that?—No.

7115. "Father Lavelle continued to say that allusion had been made to threatening letters, and it had come to that, and it was part of the game that he also should receive a threatening letter (*sensation*.) Yes; Father Lavelle has got the most diabolical threatening letter that could possibly be conceived; he was sorry he had not it with him, but he would tell them how it commenced. It commenced with a shameless tirade against the priests, and it went on to say that for every peer shot, down comes one archbishop (*groans, cheers, and laughter*). For every baronet, down comes a bishop (*sensation*). For every country gentleman, down comes a parish priest (*laughter*); and for every farmer, down comes a curate." Did you hear that?—No.

7116. Are you deaf? Were you deaf that day?—I was not there when Father Lavelle spoke.

7117. You said that you were at every one of the

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Mr.
APPhyllis.
11 April
1871.

Mr.
M^r Philipps.

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1872.

the meetings?—It was to put in an appearance at them.

Cross-examined by Mr. Macdonagh.

7118. Now that all this charming pleasantry is over, it appears that you were at all the meetings?—I was.

7119. Had you had any experience in former elections?—No, I had not, except one, that is the previous one.

7120. But you were at every one of those meetings?—Yes.

7121. You gave my learned friend some answers upon matters of fact with which you were acquainted. He read for you a report of the meeting in which it was stated that contingents from various parts of the country were arriving, that village bands were playing, that the day cleared and became most inspiring, and that the influence of the priesthood was exercised with moderation, and was omnipotent for good. Do you remember these words?—I cannot say. I do not know what the words were, but the general description, I think, is correct.

7122. Did quietude prevail at those meetings?—At all that I saw.

7123. I am not asking you what you did not hear, nor what you could not have heard when you were absent, but what you saw. I presume that in the various parts of the country there are local bands—village bands?—Well, I am not aware.

7124. Is there a band at Tuam, for example, where the people amuse themselves?—Yes.

7125. On each occasion of those meetings the assemblages were very large, I suppose?—Yes.

7126. Did you hear the reverend gentlemen who were there on any of those occasions inculcate good order and quiet conduct?—Yes; they were trying to preserve order as best they could.

7127. There was no violence offered to anybody?—No, I did not see any.

7128. Do you not think that those meetings, twelve in number, in various parts of the country, conducted in the way that you described, very much influenced the result of the election?—I believe so.

7129. Did not the people who assembled at those meetings appear to be heart and soul in favour of the Liberal cause?—Yes.

7130. You heard my learned friend, Mr. Sergeant Armstrong, read the description of the respectable farmers riding in; they did appear to be a substantial peasantry?—Yes.

7131. Respectable farmers?—Yes; at least I think so from my experience.

7132. Of course you were not acquainted with them all?—No.

7133. But from their appearance you inferred that?—Yes.

7134. Did they not, on every occasion, lead your mind to the conclusion, by their acts, that they were heartily in accord with, and in spirit with, the wishes of the clergy?—Yes.

7135. Are you yourself a Roman Catholic gentleman?—Yes.

7136. Of course you know that the great majority of the electors of this county are Roman Catholics?—I believe so.

7137. You saw no terrorism practised by any of the priests?—No.

7138. Were not the laity as free to speak as the clergy?—Yes.

7139. And did not they exercise that privilege?—I think so.

7140. And as well as you caught the observations which were made, did you not believe that they were in spirit speaking for their country, as they thought it, and for education; was that the tenor of the speeches?—Yes.

7141. As well as you collected?—Yes, as well as I recollect the part of the speeches which I heard.

7142. As I said before, it is not to be expected that you should carry these all in your memory?—I did not listen to the whole of them.

7143. I do not wonder at that. I daresay you enjoyed yourself very much?—Yes.

7144. With respect to the banquet, there was always a banquet after a meeting?—This was the Gort banquet.

7145. Were there always banquets after the meetings?—Not that I am aware of.

7146. But the Gort Banquet was a very splendid affair, I suppose. Was that the banquet at which that beautiful poem which the learned Sergeant read was on the walls?—Which was that?

7147. As well as I recollect it, it was:
"There's grace in the palpit,
There's wit on the bench,
But there's nothing on earth
But dirt in a Trench?"

—That is nearly right.

7148. Was that on the wall?—Yes, I think so.

7149. Embellished?—Yes, to the best of my recollection. I am not certain, but I think so.

7150. Do you happen to know who was the author of that?—No.

7151. And you do not know the author, I suppose, of the other poem which my learned friend read—a slight parody (I will not say a perversion) of Sir Walter Scott?—No.

7152. Did not good order prevail at that banquet at Gort?—Very good order.

Mr. Sergeant Armstrong.] I do not know how it could be anything else at 7 s. 6 d. a head.

7153. Mr. Macdonagh.] Do you happen to have heard of the public meetings at which Mr. Gladstone's name was spoken of with approbation?—Well, I have not heard his name mentioned; it may have been mentioned there, but I did not hear it.

7154. Was not it mentioned with approbation, that he introduced the measure which equalised the social station of the Roman Catholic clergy?—I did not hear his name mentioned.

7155. But did you not hear at those meetings a panegyric pronounced upon the measure which had uprooted the Church of Ireland?—Yes, they were all of that opinion.

7156. Do you remember its being said that the effect of that was to raise the social station of the Roman Catholic clergy?—Yes.

7157. Do you remember any commendation of the measure which is now before Parliament, the ballot; was that praised?—Yes, it was talked of.

7158. Did it appear to be the sentiment of the laity present, that they would wish the protection of the ballot?—Yes.

7159. Do you remember its being said that that would be a complete guarantee against the interference of the landlord, or his agent, or his bailiff?—Yes.

7160. And

7160. And therefore that the people desired the passing of that measure?—Yes, very much.

7161. Perhaps you may now remember the name of Mr. Gladstone being mentioned, that great statesman, who called him, who had passed the Church Bill, and who was about to give them the ballot, which would protect them?—Well, I did not hear his name mentioned.

7162. That, however, was the substance?—Yes, that was the substance.

7163. Do you remember the recent Land Bill to have been spoken of with great approval?—I heard many persons say that there were some defects in the Land Bill, but that it was an improvement and they were thankful for it.

7164. That was the language of the great O'Connell?—Yes; but they did not rest satisfied with that.

7165. They did not rest satisfied until they had obtained full justice, as they thought; was that the tenor of it?—Yes.

7166. Did you hear it said that that was one of the differences between them, the people, the peasantry, the freeze-coated men, and the landlords was this; that they required a modification or improvement of the Land Bill; but that the landlords were adverse to that view?—Yes.

7167. Was that assigned as a reason why they should not vote for that young gentleman, Captain Trench, whom they acknowledged to be highly respectable; that they thought he was of a family adverse to their views?—I believe it was one of their reasons.

7168. Do you remember in the course of any of those meetings the prostrate state and condition of his Holiness the Pope having been introduced?—Always with approbation.

7169. That is to say what was said about him was received with approbation?—Yes.

7170. Was sympathy expressed with his present condition, he being lowered from the condition of a sovereign to that almost of a prisoner?—They could not tolerate the idea that he should be lowered from his present position.

7171. Do you remember their speaking with the highest possible approval of the determined expression of opinion uttered by Captain Nolan in his address, in which he said that the temporal power of the Pope should be restored?—Yes.

7172. Was that apparently the feeling of the people?—Yes; they were all determined that by every possible means the Pope should be restored to his power.

7173. To his temporal sovereignty?—Yes; that was the wish of the people.

7174. You are the proprietor of that newspaper?—I am.

7175. Have you a very extensive circulation?—Yes.

7176. I hope that Captain Trench favoured you with some of his customs?—Yes.

7177. There was a bill there; how much did he pay you?—Captain Trench paid me 96 l. and some shillings.

7178. We have not paid you so much?—No.

7179. That is wrong?—£. 96. 7 s., Captain Trench paid me, I think, to the best of my recollection.

7179*. You have one of those placards which my learned friend Mr. Serjeant Armstrong produced to you; you never saw it until you saw it upon the walls?—

Mr. Serjeant Armstrong stated that after the disqualification had been announced, the Respondent's solicitors had copied the bill, and had it posted.

7180. Mr. Mardough (to the Witness.) That is not the one at all?—I think that is the one.

7181. "Election of Galway! There is consternation in the camp of the slave-drivers?—I never saw that until I saw it upon the walls.

7182. Do you know that Captain Trench's party reprinted this, only with these two exceptions; you see that where the name of "God" is mentioned, there is a capital "G," and for "Country" there is a capital "C"; did Captain Trench's people republish this as one of their own placards, only putting a small "g" for "God," and a small "c" for "country," and substituting "Trench" for "Nolan"?—I did not hear that.

7183. You do not know anything about it?—No.

7184. Were the orders furnished in writing by Mr. Sebastian Nolan?—They were not.

7185. I think you stated to my learned friend, Mr. Serjeant Armstrong, that you had no conversation with him?—Well, no.

7186. So that he gave you no orders orally, by word of mouth?—He gave me orders verbally; I think that is so.

Re-examined by Mr. Serjeant Armstrong.

7187. You appear to have heard more of the speeches than I thought; what is a panegyric in your estimation; is it a panegyric to call a man a liar?—A panegyric means praise of a person.

7188. Was it a panegyric of Sir Thomas Burke to call him a "Priest buster"?—I did not hear it.

7189. Who spoke about the ballot?—I heard Captain Nolan speak about the ballot; I heard the priests speak about the ballot, and I heard the people speak about the ballot.

7190. Captain Nolan spoke also about the Pope, and the degraded position in which he was?—Yes.

7191. And said that he would undertake to restore him to his temporal power?—I think he said so; I am not certain whether he said he would undertake to do it or not, but that he would do his best.

7192. Do you recollect Father Lavelle taking his nose in his hand, and beginning to grind at it at the same time (*imitating the action*)?—No.

7193. And some of the farmers in the background laughing at the notion of Captain Nolan going over to restore the Pope?—No.

7194. Did he say anything else that you recollect; did he call any people "liars"?—No, not that I am aware of; I never heard him call any man a liar.

7195. Did you hear Captain Nolan talking about the Trenches personally?—He might have spoken of the Trenches.

7196. Did he pronounce a panegyric upon them?—No; I am not certain.

7197. Considering that you have been cross-examined in a mild and indulgent manner, what would you take for the whole job; would you take 1,000 l.?—I considered my bill a fair bill.

7198. Well then, you have only to knock off 65 l.; you have made a good *prima facie* case?

[The Witness withdrew.]

Mr.
J. P. Phillips,
11 April
1872.

Mr. EDWARD BYRNE, sworn; Examined by Mr. Murphy.

Mr.
E. Byrne.

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7199. In December last, were you on the Staff of the "Tuam News"?—I was the Editor of the "Tuam News."

7200. Do you recollect having attended these public meetings that were held?—Yes; I attended each of the public meetings.

7201. Had you any conversation with either Captain Nolan or Mr. Sebastian Nolan previous to your attendance at the first meeting?—Well, I do not remember; I frequently had conversations with each of the gentlemen, but I do not recollect.

7202. With reference to the election and your support of it and the support of the paper?—Well I do not remember any conversation just at this moment, but I dare say there were such conversations; I am not sure.

7203. In the conversations which you had with them, did you either talk of the support of the paper that was given, or the support that was expected, or did they suggest it to you?—I do not remember that they did.

7204. Were you talking to them frequently about the election?—I dare say I was.

7205. Have you seen Mr. Sebastian Nolan in the office of the paper?—Frequently.

7206. Have you heard him give orders there?—No; any orders that were given were given either through Mr. McPhelan or through me.

7207. By Mr. Sebastian Nolan?—Yes, I think so; I do not remember any that were given by himself, personally.

7208. Did you ever go to any of those meetings in company with a gentleman?—Yes, I did.

7209. In company with both Captain Nolan and Mr. Sebastian Nolan?—I remember driving to Portumna with Captain Nolan; there were several others.

7210. Did you drive from Tuam?—No; from Ballinasloe.

7211. Had you been at the meeting at Ballinasloe, on the preceding day?—Yes, I had.

7212. The meeting at Ballinasloe was held on the 14th, and that at Portumna on the 15th?—Yes.

7213. And you drove with the Captain from Portumna?—There were several others; we had an omnibus.

7214. Of course no fares were charged; you know nothing about how it was provided?—I know I did not pay.

7215. Of course not; it was part of the election expenses; have you read the reports of those meetings published in the "Tuam News"?—I have read them, because I wrote them.

7216. And after they were printed, did you read them?—Well, I dare say I did.

7217. Were they all reported substantially correctly?—I think they were.

7218. You may have omitted some things which were said; but did you ever introduce anything that had not been said from your own fancy or thought?—No; I do not remember; some person might have made a speech without being very much prepared, and I might have made it read simply; intentionally I did not alter the meaning.

7219. You may have made it appear a little more correct English than that in which it was uttered?—Yes.

7220. Were the resolutions which were entered into at the meeting read out, having been previously written?—They were read; I suppose they had been previously written.

7221. Did you publish them all correctly in your paper?—Intentionally I did not make any mis-statement with regard to the speeches or resolutions.

7222. And you have not been able to discover that any mistake was made?—I have not taken the trouble to look; their accuracy not having been impugned, I did not consider it necessary to look.

7223. Were you furnished with the resolutions after the resolutions were read out at the meeting, just as a usual thing?—I had a copy of the resolution, and I got the original resolution; in some instances I got the original resolution.

7224. In other instances you got a copy from some gentleman connected with the meeting?—Yes, or wrote the copy myself.

7225. From the original?—I dare say.

7226. Was Captain Nolan present at all these meetings?—To the best of my recollection he was; I do not remember any one where he was absent.

7227. Was Mr. Nolan always present, too?—I do not remember any that he was absent from.

7228. Have you a recollection of how you went to the Ballinasloe meeting, or in whose company you went, because you went from it to Portumna?—I distinctly recollect that I went by train to Ballinasloe from Tuam.

7229. Was Captain Nolan in the same train with you?—I cannot swear that; I do not remember.

7230. To the Dunmore meeting, how did you go; did you go by car or by any vehicle?—No; there is no railway to Dunmore.

7231. Did you drive to it?—I did.

7232. Did you drive either to or from the meeting in company with anyone?—I do not exactly remember; I think I went on a car by myself to Dunmore; but I do not know.

7233. Do you recollect being in the evening at the banquet given at Gort?—Yes, I was there.

7234. Captain Nolan was there?—He was.

7235. I suppose that your report of that was substantially correct?—Well, I remember that it was very much abbreviated, because we had not space for it.

7236. You had, I believe, reported two meetings in the same paper?—I do not remember exactly.

7237. With respect to the Gort meeting, except where it was abbreviated, was it reported accurately as far as you did report it?—I have told you that at all the meetings I did not make any change which would, I think, alter the meaning; at the same time, nearly all the speeches were reported, I think, in the third person; they do not pretend to be verbatim reports.

7238. Do you recollect whether the Tuam band attended at all the meetings?—I recollect distinctly that it did not attend at all the meetings.

7239. Will you mention those that you can except; did it attend the majority of them?—I could

could not tell you now; but I know it was absent from some of them.

7240. It was in Ballinsloe?—It was in Ballinsloe.

7241. And in Portmann?—No; I am nearly sure it was not in Portmann.

7242. What band had you in Portmann?—I do not remember that there was a band.

7243. However, it does not much matter. Do you recollect the Headford meeting?—Yes, I do.

7244. Do you recollect reporting the speech delivered there by Father Conway?—Well, I took a note of that speech.

7245. And you reported it?—I did.

7246. Do you recollect the reference made by the reverend gentleman to Mr. Bodkin?—Which Mr. Bodkin?

7247. Mr. Robert Bodkin?—I do. I remember his speaking of Mr. Robert Bodkin.

7248. In very abusive terms?—I do not know how you would characterise them. I do not remember the terms. I know they did not appear in the newspaper.

7249. You say some of the terms did not appear. Did you intentionally, because you thought them unfit for publication, omit some of the terms applied to that gentleman?—I omitted several portions of the speech.

7250. Was it not because you considered them too vile for publication?—I considered that it would not be for the interests of our journal to publish them.

7251. Was it because they were indecent?—It is so long ago that really I cannot tell.

7252. Was it because you considered them too indecent for publication in the interests of your journal?—I really could not tell you what Father Conway said with regard to Mr. Bodkin this instant.

7253. There is a good deal published, and we can judge of it ourselves. I want to know now with respect to the portions that you have omitted. I do not ask you for the words that you did omit, but I ask you, did you not omit them because you considered them too vile for publication?—Well, I cannot say yes or no to that question;

"vile," certainly, is too strong a term. I am sure they were not too vile.

7254. Were they indecent?—I do not remember the expression that was made use of.

7255. Then how can you say that "vile" is too strong a term for that?—I will tell you, if you will allow me to explain. If they were too vile, they would make such an impression upon my mind, I think, that I would be able to answer the question yes or no distinctly, so that that would be a negative reason for saying that they were not too vile.

7256. I am willing to accept that explanation so far as regards that term. I ask you were they indecent?—I told you that I do not know what he said exactly.

7257. But do you recollect your intentionally omitting them?—I recollect intentionally omitting several passages from that speech; but as to the tenor of the passages I cannot say.

7258. Do you tell me that you intentionally omitted them because you thought they would be injurious to the character of your journal?—I thought it would be injurious, as I told you before, to the interests of our journal.

7259. You do not mean to say that it was because of their political bearing, certainly?—Well, 241—I.

I dare say some of them would have an injurious tendency in that regard, perhaps.

7260. Now I ask you this, and I am sure you will give me a conscientious answer to it?—Certainly, as far as I can.

7261. Do you recollect omitting any portions of that speech containing allusions to Mr. Bodkin because you considered them too indecent for publication?—Well, I cannot answer that question, because I really have not a perfect or distinct recollection.

7262. Did you consider them too gross?—I dare say I thought there was some hard hitting in it.

7263. Worse than what you did publish?—I think so. Allow me to distinguish about that. There were some passages which I am sure would not have been omitted unless I thought at the time that they would tend to the injury of the interests of the newspaper; and whether that is in a political sense, or in a personal sense, I cannot say exactly at this time.

7264. We must come back again on that; do you recollect omitting personal allusions to Mr. Bodkin?—Well, I am nearly sure that I did.

7265. Now personal allusions to him, I suppose, could not have any particular political aspect?—Personal allusions to Mr. Bodkin might have a political aspect, because Mr. Bodkin is a very prominent gentleman in this county; he is prominently connected with everything political as well as with regard to the internal affairs of the county, so that any even personal observation with regard to him, would injure any newspaper in the county which would publish it.

7266. Have you a distinct recollection of omitting personal abuse of Mr. Bodkin?—Well, I am nearly sure that there was personal abuse of Mr. Bodkin.

7267. Which you omitted?—Which I omitted.

7268. Was it more gross than that which was published?—I really could not tell you at this distance of time what was published.

7269. Have you your notes of the speech?—I have not.

7270. What did you do with them?—Well, I never preserved them.

7271. Do you recollect what you did with them?—I do not remember.

7272. Have you a recollection of having preserved your notes?—No; I have neither a recollection of having preserved them nor of having destroyed them.

7273. Did you make a search for any of your notes?—I did search for my notes.

7274. Did you search for the notes of that particular speech?—Upon my honour, I did not.

7275. If you have them, have you them here, in the town of Galway?—I have not.

7276. Where are they?—I do not believe I have them; I am nearly sure I have not.

7277. Surely you cannot know unless you have searched for them?—I have searched for the notes in general, but I could not find any but a leaf here and a leaf there; that would be of no use.

7278. Did you find a leaf at all referring to the Headford speech of Father Conway?—I do not remember that I did.

7279. Have you read a report of the Headford speech since the publication of it?—I think I have read our own report.

7280. But have you read it recently?—No, I have not.

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7281. Whenever

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7281. Whenever you read it, even as published, did it strike you that it contained very gross abuse of Mr. Bodkin?—I remember distinctly that there was some gross abuse of Mr. Bodkin; I adopt your term "gross"; I dare say that it was abuse.

7282. Do you call that which was published, and which you read, gross abuse?—If you will allow me to read it, I will tell you.

7283. I do not care to read it out unnecessarily again, but just read over to yourself that portion which is marked (*Handing a newspaper to the witness*)?—It would save a great deal of trouble, I think, if you did not examine me upon that speech at all, because it was written and given in to me.

7284. Written by whom?—It was given in to us by the Reverend Father Conway; it is the gist of what was said. You asked me whether I reported that speech; I remember distinctly having reported it, but as it was written upon my notes, it was not printed.

7285. Was it after the meeting that this was written?—Well, I do not know exactly.

7286. Mr. Justice Keogh.] If the speech was made at the meeting, and that is a report of the speech, it must have been given in after the meeting, at all events?—It was given in after the meeting.

7287. Mr. Murphy.] The speech, as you had taken it down, was not published?—The speech, as I took it down, was not published.

7288. It agreed, in many respects, with this, but some portion of it you omitted?—I remember, distinctly, that that is the drift of the speech and the gist of it, but that is from my memory and not from my notes.

7289. Did the Reverend Mr. Lavelle give you his speech written out?—I do not remember ever having seen any of Father Lavelle's speeches written out.

7290. Did any of the other reverend gentlemen give you their speeches?—Well, I dare say some of them did; I cannot tell you now exactly.

7291. Was Captain Nolan present at the meeting at Headford?—He was.

7292. Naturally, of course, as being the gentleman most interested he was on the platform close to the speakers?—I do not remember his exact position, but he was on the platform.

Cross examined by Mr. MacDonnell.

7293. I collected from you that the manuscript of that speech was handed to you after the meeting by Father Conway?—I do not remember exactly how we got the manuscript of it. I know that I did not write it from my notes.

7294. It was not published from your notes but from a manuscript?—That was published from a manuscript.

7295. I presume that the portions which you say you struck out were struck out of the manuscript which they furnished to you?—Well I am nearly sure that they were.

7296. It must have been so?—It must have been so.

7297. You will not undertake to swear that that speech, as published, was ever spoken at the meeting?—No, I will not.

7298. Captain Nolan was at the meeting?—You understand me now as saying that I do not swear that that speech, exactly as it is word for word there, was spoken at the meeting; in fact, on the contrary, I am nearly sure that it was not.

7299. You are nearly sure that it was not spoken as it was published?—Exactly, word for word.

7300. You say it had the same drift?—Yes; I think that was the drift of the speech.

7301. Would you say that there may not have been some substantial differences between the speech in the manuscript and the speech as spoken?—I dare say there were, because I remember that I did not, of course, write it from my notes when I had the speech by manuscript.

7302. Of course you did not, and you dare say that there were substantial differences between the speech which was spoken and the speech which was published from the manuscript?—Yes, that is with regard to the words; I dare say that is the general drift of the speech as conveyed in the newspaper.

7303. You say that you considered it would be injurious to the interests of your newspaper to publish some of the things which appeared in that manuscript. You said, I think, that your paper had a good circulation in the county?—I dare say it has the largest circulation in the county.

7304. You know that Mr. Robert Bodkin was an eminently popular gentleman in the county?—Yes.

7305. And you naturally considered that it would be injurious to your paper to publish anything that would be unpleasant to him that you could avoid?—I would not offend any gentleman if I could avoid doing so, when there was no political necessity for it.

7306. And that was your reason for abstaining to publish the portions that you did not publish?—Exactly.

7307. You say that some of the other reverend gentlemen also had manuscripts of their speeches?—I am sure that there were some of them given in, but I could not exactly tell you who gave them in.

7308. Would it not be exactly true to say that there may have been substantial differences between the manuscripts which they gave you in, and what was spoken at the meetings?—As I have no recollection of anyone, that is a general question to which I could not give you a particular answer.

7309. Then there may have been substantial differences?—There may have been; you understand me as saying that there may have been substantial differences with regard to the words used.

7310. In fact, all you say now is that with respect to any of the speeches published from manuscripts the speeches spoken were of the same drift as those published?—Yes.

7311. In many cases, I think, you said that you improved the language of the speech spoken when it was published from your own notes?—I am nearly sure I did, because I never attend a public meeting, but I have to do the same thing.

7312. I believe that the House of Commons' speeches are greatly improved also; can you take down a verbatim report?—I do not pretend to take a verbatim report; my business is rather to edit the newspaper.

7313. As a matter of fact you could not take a verbatim report?—I could not take it unless the speaker spoke very slowly and distinctly.

7314. Do you write shorthand?—Yes; but in taking notes I find that I have some signs that I have

I have adopted myself; it would all depend upon what you mean by shorthand.

7315. Are you a good shorthand writer?—I am not a good shorthand writer.

7316. You do not expect to be employed on behalf of the House of Commons to take reports?—I do not at present, at any rate.

7317. I hope your aspirations may be realised. You say that you attended at all those meetings; were not those meetings peaceably and orderly conducted?—Very. I did not see what you might call a row at any of them; in fact I never saw so much enthusiasm and so much peace combined.

7318. From your observation, would you say that that was a forced enthusiasm, or that the people were themselves enthusiastic in favour of Captain Nolan?—It appeared to be quite spontaneous.

7319. Were they a respectable class of farmers and tenants?—They were.

7320. The ordinary class of the country?—Yes.

7321. Those meetings were not composed entirely of non-electors?—Not at all; I am sure they were not, because I knew several voters who were present. The people looked as if they ought to have votes at any rate, if they had not them.

7322. Did you hear at those meetings the clergy frequently recommending peace and order and decorum to be observed in the election contest?—My recollection of each of those meetings is that, immediately before the close, the chairman of the meeting addressed the meeting in the interests of peace and goodwill, and advised them to go home peaceably and quietly at once, and not to stay in lanes at the town, but just to go home. I am nearly sure that that was said immediately before the conclusion of each of the meetings.

7323. Do you consider that those meetings had an important effect in favour of Captain Nolan?—I do.

7324. Do you think that they largely promoted his chances of success?—Certainly.

7325. He attended those meetings himself, and addressed the people?—Yes; I think he made a speech at each meeting.

7326. And I suppose the differences between him and the other candidate were explained carefully to the people by the other speakers. Was it explained, for example, that Captain Nolan was to begin with, a Catholic?—Oh, yes.

7327. That he was in favour of denominational education?—Yes. Those issues were in all cases laid down.

7328. And the matter of his Holiness the Pope?—That was generally spoken of.

7329. And did the people appear to be in favour of Home Rule?—Oh, yes.

7330. Did he explain himself as being in favour of Home Rule?—Captain Nolan did; I understood him to do so.

7331. In those particular instances was a distinction pointed out between him and Captain Trench the other candidate?—Yes; I remember that there was a distinction drawn between Captain Trench's ideas with regard to Home Rule and Captain Nolan's; Captain Trench's system being a kind of enlarged grand jury, and the other one being the real thing.

7332. Which do you think the farmers of the country liked better, the real thing, or the extended powers of a grand jury?—To judge by the way that they received each system at the 241—1.

meetings, I certainly would consider them very decidedly in favour of the real thing.

7333. You heard it stated by the last witness that it was explained to the people at some of those meetings that the people ought only to consider the late "Landlord and Tenant Bill" as an instalment of the rights which ought to be conceded to them. In that respect was Captain Nolan's opinion distinguished from that of Captain Trench?—It was.

7334. The landlord party thought that they had got enough, and the people thought they had not got enough?—Yes.

7335. With regard to the Ballot, was it explained to the people that Captain Nolan was entirely in favour of the Ballot?—It was.

7336. And that was approved of by the people too?—It was approved of by the people; in fact, his entire programme was approved of, as far as I could see.

7337. Did it appear to you that the people at those various meetings over the entire county cordially accepted and approved of those views, and wished to follow him?—Yes.

Re-examined by Mr. Murphy.

7338. Do I understand you, then, to say that it was from the manuscript, as sent in by Father Conway, that you omitted some passages?—Inasmuch as I did not read my notes.

7339. It was from it that you omitted some passages on the grounds which you have already stated to us?—It must have been from that. The grounds which I have stated were that I omitted them because I thought they would be injurious to the interests of our newspaper.

7340. Do you mean to say for an instant that it was because they were too strong in political expression?—I dare say some of them were; I cannot at this distance of time exactly say.

7341. Did you omit some of them because you thought some of them were exceeding the bounds of propriety?—That would depend altogether upon what you mean by propriety.

7342. I trust that you and I could positively agree upon that; I mean grounds of decency, and we just use common terms, and common sense?—I would rather term it hard hitting that I left out.

7343. Towards Mr. Bodkin particularly?—I remember distinctly, that Mr. Bodkin was spoken of in hard terms.

7344. And some of them you omitted?—Some of them I omitted.

7345. You referred to the general unanimity at those meetings; if any one had got up at the meetings to speak on behalf of Captain Trench, what do you think would have been the result?

Mr. Macdonagh objected to the question.

Mr. Murphy was heard in support of the question.

Mr. Justice Keogh remarked that he did not think that all these questions as to possibilities could very much affect the issue of the case.

7346. Mr. Murphy (to the Witness).] You said that the kind of Home Rule that Captain Nolan would go in for, was the real thing, or to use a common phrase, it was the "whole hog"?—Well, that is rather a stronger term than mine; you are very fond of strong terms.

7347. How would you distinguish between the real

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real thing and the "whole hog"?—Well, I think as well as I know (I do not want to enter into any political discussion) Captain Nelson meant to have a Parliament in Dublin that would entirely act regarding the internal affairs of Ireland.

7348. And there was a general exhortation to Home Government; did you hear any suggestion given as to the mode of Home Government towards any of Captain Trench's voters at any of the meetings if they met them in the villages?—As far as my recollection serves, I do not remember anything having been said with regard to any abuse of Captain Trench's voters.

7349. You attended those meetings?—I did.

7350. And we see the reports of them; do you believe that those meetings did, or did not, tend to excite feelings of animosity and hatred towards the persons who would vote for Captain Trench?—Well, I do not think they were intended to do so; I cannot say as to the effect that they might have; I know with regard to myself, I would just as soon have a gentleman who voted for Captain Trench as one who voted for Captain Nelson.

7351. You and Mr. McPhillip were supremely indifferent?—I was not indifferent; I would have been very sorry that Captain Trench should have represented the county of Galway.

7352. But you were not a voter?—I was not.

7353. Do you mean to say that whatever was said you cannot form an opinion as to the effect of those meetings in exciting the public mind against the voters of Captain Trench?—I cannot form an opinion with regard to the effect of them, except as regards their effect upon myself, and I know that they did not foster any feeling of animosity in my mind.

7354. Of course, they would not excite you to practice any personal violence against any man in the community; but do you think that that would be the effect of them upon the general mass of the people?

Mr. Macdonagh objected to the question.

Mr. Justice Keogh allowed the objection.

After an adjournment,

Mr. BERNARD O'FLAHERTY, sworn; Examined by Mr. Sergeant Armstrong.

Mr. B.
O'Flaherty.

Mr. O'Flaherty.] BEFORE I begin, I wish to say that for the last fortnight I have been confined to the house, and I have tuberculosis upon my chest.

Mr. Justice Keogh.] I heard with regret that you were unwell, and we were all quite aware of it; there is no doubt about it.

7366. Mr. Sergeant Armstrong.] Are you a magistrate of the county?—Yes.

7367. And a landed proprietor of the county?—Yes, in a small way.

7368. You have voters on your estate?—I have.

7369. Did you ask them to give their votes and support to Captain Trench at the last election?—I asked most of them.

7370. About how many had you?—I think about 15 or 16.

7371. I believe you reside in the town of Galway?—Yes.

7372. In what part of the county is your property situated?—At Oronmore.

7373. Did the tenants upon your estate accede to your wish?—No.

7374. Did they say that they would?—They

7355. Mr. Murphy (to the Witness.) Had you attended any of the purely clerical meetings independently of those mass meetings that we have referred to?—If you will bring one to my recollection.

7356. On the 6th December, at Athenry?—That was the first one, was it not?

7357. I do not think it was the first?—With regard to the meeting of the clergy at Athenry, I remember that the Pious were excluded.

7358. Did you get the resolutions for the paper?—The resolutions were sent to the office, I think; if they appeared in the newspaper they were sent to the office.

7359. Have you a recollection of yourself attending any purely clerical meeting when the gentlemen who spoke were only clergymen?—I have not.

7360. Have you a recollection of getting the resolutions of more than one clerical meeting for publication in the newspaper?—I have not; they may have come to the office as many things come.

7361. But any resolutions of such a clerical meeting which did appear in a paper were sent in?—Yes; I mean that any resolutions which appeared distinctly as advertisements in the newspaper were sent in.

7362. Mr. MacDonagh.] You reported that speech in which the word "death-knell" is mentioned?—Yes.

7363. Would you undertake to say that Father Lavelle did not use the words "political death-knell"?—I would not; I told you I did not intend.

7364. He may have used the word "political"?—He may have used it; you may have remarked, as I said, that the speech is reported in the third person, and is not intended as a verbatim report.

7365. Mr. Justice Keogh.] Who reported that speech?—It was I.

[The Witness withdrew.]

7378. How did they vote?—They voted for Captain Nolan, except some in the town; some in the town did not vote at all. One man, a very independent man, said "I will go with you if you press me, but I would rather pay 20*l*. than be asked," and I said "I will not ask you."

7379. Is Father Patrick Coen, of Killeland, near Loughrea, the parish priest of any parish in which any of your property is situated?—No.

7380. Do you know him?—Yes.

7381. Had you a conversation with him before the election upon the subject?—I do not know that I had.

7382. I am told that there was a particular conversation some time before the election; I do not say immediately preceding the election; do you recollect discussing about the ballot?—I recollect what you refer to now, and I ask his Lordship whether I am bound to state this; this had nothing to do with the election or the petition, and it was a long time ago in October; it was in a private house, and I appeal to your Lordship whether I have to state it.

7383. Mr. Justice Keogh.] Did it concern the election?—It had nothing whatever to do with the election.

7384. Mr. Serjeant Armstrong.] We think that that is a matter of opinion?—It had nothing whatever to do with the election; it was a private conversation in a private house.

7385. Mr. Justice Keogh.] Had it anything to do with the voters?—Nothing.

7386. It did not relate to the electors?—No, it related to the ballot; it was a question upon the ballot.

7387. Mr. Serjeant Armstrong.] Were you aware in October that a contest for the county was likely?—I was aware of it.

7388. Were not you and Father Coen speaking upon the subject?—We were speaking generally upon the election.

7389. And upon how elections might be managed?—He talked to me about the ballot, and what the effect of the ballot would be.

7390. Mr. Justice Keogh.] There can be no objection to tell that?—My Lord, it is a private matter between a clergyman and myself, and a private conversation.

7391. Mr. Justice Keogh.] That is not a reason for its not being given?—If it was relating to the election, or the contest, I should be very happy to give it, and your Lordship tells me to do so, I shall do it.

7392. Mr. Justice Keogh.] There is only one matter which is entitled to protection, namely, if it was anything said in the confessional?—It was not.

Mr. Macdonagh objected to the question on the ground of the voters having said that the conversation was a private conversation, and had no reference to the election.

Mr. Justice Keogh.] The Petitioner says, that it has a connection with the election, and we are entitled to hear it, if it does relate to the election; and, if it does not, it will have no effect upon the case; I do not see that there is any protection.

Mr. Macdonagh stated, that he did not put the matter upon the ground of protection.

Mr. Justice Keogh.] I see no legal protection to it.

7393. Mr. Serjeant Armstrong (to the Witness.) You may consider that you are eating

under my coercion; I insist upon an answer as a matter of law, and his Lordship thinks that it is evidence?—I know the question which you are going to ask, and I appeal to his Lordship.

7394. Was he talking about priestly influence at an election, or anything to that effect?—No; I said, I think that some people were wicked enough to say that the priests would make use of the ballot in the confessional; my Lord, am I to be called upon to give this evidence?

Mr. Justice Keogh.] I think that it is quite fair.

7395. Mr. Serjeant Armstrong.] What did he say?—He said that they would make use of it; he said that they thought that they would be committing a sin in voting for a wrong man.

7396. Should you say that in the county there was terrorism and intimidation?—I did not turn my attention much to the county, but I confided myself to Galway.

7397. Then you think that there was?—Yes.

7398. In that conversation, did you say anything about spiritual intimidation to Father Coen?—No.

7399. You are compelled to answer?—I could not say; it was, I think, in last October, or September.

7400. What preceded the introduction of the ballot?—I could not tell you; I do not want to conceal anything which I know.

Cross-examined by Mr. Macdonagh.

7401. You are a Roman Catholic gentleman. I presume?—I am.

7402. And one of the members of that family which have been historically known in this country; and a good name it is?—I have lived for many years in the country.

7403. In whose private house was the conversation; were you at dinner there?—No; it was after breakfast.

7404. You breakfasted there?—I was sitting there.

7405. I do not want to ask the name of the gentleman; you were sitting in the room?—We were chatting generally.

7406. Had you known Father Coen for many years?—Yes.

7407. Where is he parish priest?—He; I believe he is a curate.

7408. You have known him for a long time?—Yes.

7409. Is he a man of good and fair reputation?—I always thought so.

7410. And this conversation had not the remotest connection with the ensuing election?—No.

7411. It could not have, for the Ballot is not passed yet?—No.

7412. He was speaking upon a political subject?—Precisely.

7413. That is a subject which is now being introduced by the head of the Government, Mr. Gladstone; may I ask you, was it you who introduced the subject?—I could not say, indeed.

7414. However, the conversation turned upon the subject of one of the agitating topics of the day?—Exactly.

7415. Upon which opinion is very much divided?—Just so.

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7416. Was

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7416. Was your opinion in favour of, or against the ballot?—I am not decided yet upon it; I will give my vote as I think proper.

7417. Every man has a right to form his opinions?—Of course.

7418. You have not yet made up your mind?—No.

7419. You wanted to know what the opinion of the Rev. Mr. Coen was?—I talked to him generally; I talked to him upon the ballot, and what the effect of it would be.

7420. You suggested, at least a portion of your observation was, that some people were saying that a priest would make use of the ballot in the confessional; that was your observation?—Yes, that was how the answer was brought about.

7421. And it was in relation to their committing a sin that he said he would make use of the ballot?—Yes, if he thought that they were going to commit a sin, that he would be justified.

7422. Did not he say that if he thought that they were about to vote against their consciences from any pressure, he would consider it a sin in them, and would advise them against it?—He did not say particularly in that manner.

7423. But did not you so understand him?—I understood him to say that it would be a sin in voting for a bad man, and that he cautioned them not to do it.

7424. Suppose that before the destruction of the Established Church in Ireland, a Protestant gentleman who might be supposed anxious to maintain his own church, were to express his opinion that he would go and vote for a candidate who would upset the church, would you think it very wrong for a Protestant clergyman to say, "I think that you as a Protestant ought not to vote for a man who will upset your own church"?—My opinion upon those things is, that I do not like to go into matters connected with the confessional.

7425. Put aside the confessional altogether; I am alluding to a Protestant clergyman who does not acknowledge the confessional. Supposing

that before the destruction of the Established Church, a gentleman was standing for the county who wanted to pull down the Protestant church, would you think it a great hardship in a Protestant clergyman to say to a Protestant gentleman, "You really ought not to vote for a man who will destroy your own church"?—I think that he ought.

7426. Did not you understand the Rev. Mr. Coen to mean that if a man were about to vote for a bad person, a person against his religion or otherwise, he would deem it his duty in the confessional to advise him not to do it?—That was his opinion; but I have my opinion upon it.

7427. But that is what he said?—Yes.

Re-examined by Mr. Sergeant Armstrong.

7428. Did you understand from the Rev. Mr. Coen that he would consider voting for a wrong person a sin of which he ought to take cognizance at the confessional?—He said that if he thought that a man was going to vote for a wrong person he would consider it as a sin, and that he would be justified in correcting him.

7429. In the confessional?—Yes.

7430. Mr. Madden? Will you kindly fix the date of that conversation?—I could not tell.

7431. The month?—I could not say; I happened to mention it to one or two persons, and that perhaps is the reason of my being here to-day.

7432. Mr. Sergeant Armstrong. You were asked about a Protestant clergyman giving advice about the church; do you know that the Protestant clergymen have not confession; I know nothing at all about it; they are very good men.

7433. Do you approve of preaching at people from the altar at all upon political subjects in any church, Protestant or Catholic?—I do not in any church; I do not care what church it is.

[The Witness withdrew.]

MR. WILLIAM DOWNES GRIFFITH, sworn; Examined by Mr. Pease.

Mr. W. D.
Griffith.

7434. I BELIEVE you reside near Dunsmore?—I reside at Dunsmore.

7435. And you are agent for property in that district?—Yes.

7436. Do you remember, about December last, having canvassed the voters on that property for Captain Trench?—Yes; I had previously intimated to the tenants that I intended supporting Captain Trench, and that I wished that they would do so, and I had heard that they would. On the 12th of December was the first opportunity that I had of seeing them all individually, and I asked them individually whether they would support Captain Trench, and they said, with great alacrity and rather with an appearance of pleasure, that they would. On the 15th of December I saw them, and I gave them the same request. I said, "I suppose it will be a contested election, and I wish you to support Captain Trench," and I asked them whether they would do so, and they said they would. On the 16th of December I went out to a place called Glen, and I saw the tenants, and asked the same question, and they all gave me the same answer, with the same alacrity, that they would vote for Captain Trench. One man said that he was too old to go

in, and I said, "In that case I will not ask you." He said that he had supported Mr. Gregory on a previous occasion, and that on that occasion his hat was broken, and that he did not wish to go in again. I said that I would not ask him to go in under those circumstances.

7437. I believe that shortly after that you fell ill?—I got ill that very evening when I came home; I had a sort of attack of pleurisy, I believe.

7438. You did not see the tenants again until some time?—No; not until towards the end of January.

7439. Towards the end of January do you remember seeing them?—Yes. I heard in the meantime, when I was getting well, that the tenants were getting doubtful about supporting the premises which they had made, and some of them sought an interview with me; and I told them that as far as their votes went, whether they voted for Captain Trench or not, they would receive the same impartiality and justice which they had hitherto done; but that I still hoped that they would, and would not be timid. They seemed to be timid and frightened. One man, John Flanagan, expressed himself by saying

ing that he had a farm at some distance from the place where he resided, a farm on Mr. Hancock's estate, which I had been the means of getting for him. He said that he was afraid that on coming home at night he might be assaulted. I said that I hoped that every thing would subside, as it had done after the election of Mr. Gregory and Captain Bellew. There was a picture of the charge of Balacava in my room at the time. He said, "Your honour, I hope you will not ask me to vote." I said that I thought that there was no danger, and that the whole thing would subside.

7440. Do you remember having any conversation with a voter named Pat Hore?—Yes. On the day before the election, on the 5th of February, I mounted my horse; I was not very strong, and I rode round to some of the tenants, and I saw two or three of them. Amongst others I saw Mr. Pat Hore, and I asked him what he would do. He said, "How can I go against the priests? I cannot do so, if you stick me to the ground upon that score." I said, "It is very hard, if you put it upon that ground; but my opinion is that no religion is mixed up with the question. I do not suppose that Sir Thomas Burke, and other Catholic gentlemen of the county, would be likely to support a person adverse to your religion." I said "Others are coming up to my place, under an escort together; that if you choose to come, you may come."

7441. On the morning of the poll, how many voters accompanied you to Tuam?—Only one, namely, Mr. Glen came in, and also a man named Denis Tracy.

7442. Will you give us a narrative of your journey from Dunmore to Tuam on that morning?—At about 10 o'clock the cars came up to my house. They came in inside my domain. We were waiting there for an escort. Captain Hamilton was the stipendiary magistrate in charge, and there was an escort of Lanciers, and about 10 or 12 police. A column of police was drawn outside my gate to keep back the crowd, when the police came in, so that the voters might come out. Mr. Barrett had previously driven to my house, and he and myself and Denis Tracy, and one or two other people who were not voters, came on these cars and went outside the gate. There was great shouting, and a great crowd of people; they were in a very excited state. When we went off the Lanciers went, some in front and some on the side, and some in the rear, and the police were in front. We went along, and the people on the roadside began pelting stones and other things. We went into Tuam without any opposition except shouting, to which I paid no attention. When we came near Tuam, towards the Bishop's Palace, we met a mounted policeman, who turned us off to the left, and we came in round by the workhouse, a distance of two or three miles round about, in order to avoid the excitement of being exposed to the violence of the people in the town. When we came in there, there was no opposition to us. We had an escort the whole way.

7443. When you got up to the court-house, will you describe the scene?—I do not know that there was any great crowd at the court-house at that time. During the course of the day there was great excitement. I went up and polled.

7444. Did you see the Rev. Mr. Loftus there?—Yes.

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7445. Did he say anything to you at the court-house?—No, not exactly in the court-house. In the course of the day I met him with an escort, and we could not venture into the town or go home with an escort until about 2 or 3 o'clock. I waited all that time, walking up and down the court-yard, and I saw Mr. Loftus there and friend of his, and I heard him say the words, "The agents are worse than the landlords;" teasing the thing with great contempt, but I heard him say that. I could hear him, of course I paid no attention.

7446. The court-house is outside the town?—Yes, quite outside the town; there is no house between the court-house and the county.

7447. A few days before the polling, do you remember meeting Father Loftus with a mob on the road?—The second day that I went out to drive, after I was ill, in, I think, January, I was driving in a carriage, and overtook Father Loftus riding on a pony, with five or six low-class of men, belonging to Dunmore, with sticks in their hands, going towards Delvin. After I had had my drive, I met him in the same position.

7448. Do you know Mr. Richard Kirwan's property?—I do.

7449. Were they proceeding in that direction?—They were. I knew most of the names of the five or six persons.

7450. Amongst the five or six persons, was there a man of the name of Pat Tracey?—There was.

7451. Was there a man of the name of Patten?—Yes, John Patten and his son.

7452. Did you receive this letter (*handing a letter to the Witness*)?—Yes; it is marked on it "Received 15th January."

7453. Did you receive that letter (*handing another letter to the Witness*)?—I did, on the 29th of January.

7454. Did you ever use any violence, any threats, or coercion towards voters?—Not in the slightest degree. In talking of it, I always told them, that if they voted against Captain Treach it would make no difference, and that I would always treat them with the same impartiality as I had always done, and they seemed perfectly to acquiesce in my observations.

Mr. Parnes.] This letter is dated 15th January 1872:—"I believe you are resolved to compel the tenants of George Dering to vote for tyrant Treach, and believe me, if you do not leave them at their own election, to vote according to their conscience freely, and not to persist in tyrannising over them, tyrant Treach and his best interests will be of little service to you, when I meet you, and your days will not be many. God save Ireland!" The post-mark bears date Tuam, the 15th January 1872.

7455. Mr. Murphy.] There is the post-mark of Tuam and of Dunmore also?—Letters posted for Dunmore always go to Tuam before going to Dunmore.

7456. Mr. Sergeant Armstrong.] This letter was received on the 29th of January, and it was enclosed in a printed paper headed, "County of Galway Election," and purporting to give the correspondence between Father Molloney, Father Durean, and Mr. Charles Phelan, and others, and the superscription upon the letter is manifestly in the same handwriting. It is addressed to "William Downes Griffiths," posted at Tuam, on

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the 28th of January. "Dunmore, 26th January 1872. William Downes Griffith, or, as you are called, Old Billy Sheepskin, if you compel any of Mr. Dering's tenants to vote for Trench, the persecutor of the name, &c., you will be shot like a dog; and I am sure you will not get off like Barrett." (He was a gentleman who was fired at.) "All the people must vote for the priest and Captain Nolan, and we will put down Orange bigotry if we can, by shooting all the Protestants that does not turn over to the Catholic Church. Johnny Patten says he will give the tenth of his bellows to make a hischer for your old wife, as he has hung the trad since he became agent for Captain Pelan." Is that the Johnny Patten who was one of the people with the Reverend Father Loftus?—Yes.

7467. "Johnny Patten says he will give the tenth of his bellows to make a hischer for your old wife, as he has hung the trad since he became agent for Captain Pelan. I remain your servant, Mary of the Hill."—Yes.

Cross-examined by Mr. MacDermot.

7468. You were the agent or receiver over Mr. Dering's property?—Yes, for 20 years.

7469. Are you the agent for any other property?—Yes, a small property of Tom Kirwan, of Dunmore.

7470. Are you receiver of any other estate?—No.

7471. I presume that you canvassed the tenants of those two estates which you have mentioned?—I did not canvass Mr. Kirwan's; I did not canvass any of Mr. Kirwan's. A day or two before the election I asked them about it, and they said that they were sorry that I had not asked them sooner; but I was ill, and I forgot it.

7472. I suppose when you spoke to them they said that they had promised Captain Nolan?—Yes; I only spoke to one or two of them just a day or two before the election.

7473. How many electors are there on Mr. Dering's estate?—I think about 30 altogether; I do not say that they all promised me.

7474. When did you commence your canvass of these 30?—If you call it canvassing, I believe some time in the autumn I intimated through the bailiffs that I intended to support Mr. Dering, and that I hoped they would do the same; I did not see them myself.

7475. Do you think that an intimation given through a bailiff amounts to canvassing?—I do not know.

7476. When did you first intimate to the tenants, through the bailiffs, that you wished them to vote for Captain Trench?—I cannot recollect.

7477. About what time?—About October.

7478. Then you commenced as early as October?—I merely mentioned the matter; I did not press it.

7479. Are those 30 tenants Catholics, or are they Protestants?—There is one Protestant.

7480. And in October you had given this intimation through the bailiffs?—Yes.

7481. When did you next apply to them, or did you again apply to them?—I never applied until the 12th of December.

7482. Was that before or after you got ill?—Before I got ill.

7483. Then between October and December do

you say that you made no application to them at all?—None whatever.

7474. In December did they all come to your rent office?—A certain portion came to the rent office. The 12th, 13th, and 14th were the three days that I saw them.

7475. Did you then again personally apply to them?—I said to them, "You have heard that there is to be a contested election, and I intend to give my support to Captain Trench; will you do so," and they said they would do so.

7476. Did you urge them?—No, they seemed to be too glad.

7477. And I suppose you conveyed to them that if they had a particular desire to vote for anybody else they should do it?—I did not ask them to do it, but only conveyed my intention.

7478. Did you canvass any tenants except on the property where you were agent?—No.

7479. When did you get ill?—On the 16th, and I went to bed, and did not get up until the 12th or 13th January.

7480. During the time that you were ill did you send them any message, or apply to them for votes?—Between the time when you got ill and when you got up on the 12th of January, you say that you, in that interval, never made any application to the tenants?—No.

7481. You sent them no message?—I was not capable of it.

7482. After you got up, what did you do?—When I heard that Trench's people were going on, and what was going on in the chapel, I wrote a circular memorandum to the tenants; I sent a circular to each tenant.

7483. After you had recovered?—Yes.

7484. You had already given them an intimation by your bailiff, and a personal intimation, and after you got well you sent them a circular?—I heard that in consequence of the meetings, and the violent language used in the chapel, they seemed indisposed to keep their promise, and I wrote them a memorandum.

7485. Do you refer to the meetings which have been spoken to by the reporter of the "Tenn News"?—Yes; I concluded in my mind that that was the effect.

7486. And having heard of those meetings, and what you call violent language, you thought it right to write them a circular?—Yes.

7487. When you met in conversation with the tenants, did you urge upon them that priest ought to be excluded from politics?—Certainly not; far from it; I said that they had certain rights, like everybody else, to give their advice and opinion, but that they had no right to make a political matter of what was entirely a political one.

7488. Did you say to them that they ought to release themselves from priestly dictation. When you spoke to them, did you tell them that they ought to emancipate themselves from priestly dictation?—I do not recollect those words.

7489. What did your words imply?—I said that they ought to have an opinion of their own, and to take advice from persons capable of giving advice on political matters, and that I was just as capable of giving advice upon those matters as the priest was.

7490. Did you say that the priest ought to have no concern in political matters?—I did in the memorandum.

7491. Did you say that they ought to release themselves from priestly dictation?—I do not remember doing so.

7492. Did

7492. Did you use in your circular the words "Priestly Dictation"?—I did.

7493. You have a tenant under you called Thomas Madden?—I have.

7494. This circular is directed to Thomas Madden, and bears date "9th January 1872"; is that your handwriting (reading the same to the witness)?—Yes.

7495. "Thomas Madden; although I almost confidently rely on your keeping your promise to vote for Captain Trench at the coming election, still I wish to say a few words to you on the matter; there appears to be a violent and discreditable combination existing between certain sporting radicals, shopkeepers, and I regret to say, some of the clergy, whose over zeal has led them to use language disgraceful to themselves, and utterly unbecoming to their sacred profession; a combination, I say, for the object of causing dissension between landlord and tenant, and intimidating the latter from voting as he had promised; but do not allow yourselves to be intimidated; they can do you no harm, your landlord is your true friend, your prosperity and happiness is, and must be, his object; in voting for Captain Trench you vote for the man whom nearly all the Catholic electors of any respectability or position have solemnly declared to be the man best fitted to be returned for the county of Galway; in voting for Captain Trench, believe me (and I say it with all sincerity, and it may be of consequence to yourselves hereafter) you vote for your own independence and freedom from clerical dictation in political matters, in which the clergy ought to have little or no concern; I hope then you will not be intimidated; but that I may rely with confidence on your keeping your word, and voting as you have promised for Captain Trench: I never broke my word with you; I am your friend, *William D. Griffith*; that, I suppose, is the form in which you wrote to all the tenants?—Yes; I see no harm in it.

7496. Who composed that circular?—I composed it myself.

7497. You composed the entire of it?—I composed every line of it.

7498. And I presumed that you circulated it among the tenants immediately after you wrote it?—I dare say that I did.

7499. Did you send it to the tenants by a bailiff?—I think so; there are three bailiffs on that estate; I sent some by my clerk, I think.

7500. Did you get any of the circulars back again from the tenants?—No.

7501. Did you ever try to get any of them back?—No.

7502. Did you apply to the tenants; this is the third application to the tenants; did you apply to them on any further occasion after the 9th of January, the date of the circular?—They sought interviews with me; I sent my clerk on those interviews.

7503. Had you any subsequent interviews with them?—On the day before the election I rode out, and I had interviews with some men; one man I recollect particularly, Thomas Martin; he came to me, and said that he would be very glad to vote, but that on the night before something was posted on his house, which intimidated him to that extent that he was afraid; and he said that he heard language used which made him alarmed, and afraid to vote; I asked him whether any of the tenants did it; "No" he said;

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"It was not the tenants, but people on other estates."

7504. Did he show you the notice which he had received?—No; he did not.

7505. Did you believe that there was a notice; on your oath, did you believe it?—Upon my oath, I do believe that there was some kind of notice.

7506. Do you believe that there was some kind of notice prepared by the tenants themselves, or put by some persons there on the door?—I cannot say that I formed any opinion about it, one way or the other. I believe that it was just to frighten him.

7507. It did not frighten you; you did not press to see the notice?—No; I did not want to run any risk.

7508. Had you any voters in your house on the night preceding the election?—Yes.

7509. How many?—Three or four. I will tell you about it. I rode about to those tenants, and I said, "Talk about it among yourselves, and let me know your opinion, and if you choose not to vote for Captain Trench, you can stay in my house during the night to be free from any person in the morning." They consulted together, and they came into the town; they did not come to my house. I had dinner about eight o'clock, and Pat Horc, John Finnigan, and Denis Tracy, and one or two other people came, and I told the servant to show them into the servants' hall and get a fire; and I said to them afterwards, "I thought you would not come so late. I cannot get beds for you now; it is so dark, but there is a comfortable fire for you, and there are chairs in the servants' hall, and make yourselves as comfortable as you can." I began to talk, and I said, "Are you going to vote?" and one man said that he would if somebody else did, namely, if Pat Daly, or James Daly did.

7510. Did they pass the night with you?—Yes. About seven or eight o'clock in the morning, I heard that they were getting tired, and I said that I would go and see them. I asked what they wanted: one man, namely, Pat Horc, said that he was too tired and knocked up, and could not go in, that he was a man of 63 or 64, and was tired of sitting in the chair. I said, "I told you that I could not give you much accommodation; but can get your breakfast, and go where you wish to go." I opened the door, and said, "You can go where you wish to go." John Finnigan said, "If James Daly has not come, I do not wish to vote." I said, "Very well, you can go, but I would advise you to get your breakfast first." They then got their breakfast and went away, except one man.

7511. For whom did the three men vote?—For Nolan. They told me that they were going home, but that Nolan's cars overtook them and forced them to go up.

7512. When you went to the poll in the morning, I do not understand that you received any injury whatever?—Not the slightest; but I was guarded.

7513. You voted?—Yes.

7514. And people with you voted?—Yes. The first thing that I saw with one of the men getting off the car was, that he was afraid; that was one of Mr. Barratt's men.

7515. Did he vote?—Yes, for Captain Nolan; he came with Mr. Barratt into Tuam.

7516. He parted from him, and voted for Captain Nolan?—Yes.

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7517. You

Mr. W. D.
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Mr. W. D. Griffith. 7517. You gave no beds to those four or five men that night?—No.
 7518. Did you give them any drink?—Yes, I gave them porter, and bread and whisky also.
 7519. Did you give them more whisky than one glass?—I did not hand the whisky to them; there was a bottle of whisky amongst them all.
 7520. Will you swear that there was only one bottle?—Yes.

Mrs. ELIZABETH GRIFFITH, sworn; Examined by Mr. Murphy.

Mrs. E. Griffith. 7523. ARE you the wife of the gentleman who has just left the table, living at Dunsmore?—Yes.
 7524. Previously to December last, had you known the Reverend Mr. Loftus at all?—I never spoke to the reverend gentleman in my life but once.
 7525. When was that?—It was when a cause was being tried about the duns.
 7526. He was there at the time?—Yes.
 7527. That was an unimportant conversation?—Yes.
 7528. You had only that one interview with him, but in his absence had you ever, by word or deed, done anything to offend that gentleman?—Never in my life, nor any one else, that I am aware of, at Dunsmore.
 7529. Had you ever, directly or indirectly, said anything to bring either contempt or ridicule upon the reverend gentleman?—Never in my life.
 7530. Do you recollect the time when Mr. Griffith got ill?—Yes.
 7531. During the time that he was unable to attend to his own business, as to the management of the estates under his own care, did you in anywise interfere with him at all?—Never in my life. I do not think that I ever interfered in my life in any way, unless it might be just to urge some little favour.
 7532. Some little favour or kindness to be done to a tenant?—Yes.
 7533. Do you recollect, that in consequence of Mr. Griffith's illness it was necessary to see some tenants who came to the house, or did you see some of them?—Very often.
 7534. Did you speak to any of them, or did they introduce the subject to you, as to their voting at the coming election?—Yes.
 7535. Was it you who introduced it first to them, or they to you?—I do not know exactly how it was always; I might sometimes have introduced it myself.
 7536. You had known Mr. Deering's and Mr. Griffith's wishes upon the subject?—Perfectly, and I had known that the tenants had all promised willingly and freely.
 7537. Do you know whether that promise had been made without any interference whatever on your part?—Without the slightest; I never interfered with a tenant in my life.
 7538. Do you recollect meeting them on any occasion, and asking them about whether they were going to keep the promise to the master?—I did.
 7539. What did they say to you?—They said that they would go to the world's end for the master, but that they were afraid.
 7540. Did you make any reference then to Captain Trench, or did you bring forward his claims?—I said that I thought that Captain

7521. Was it a quart bottle?—Yes; then were eight or ten of them; I wished to make them comfortable, as far as I could.

7522. I suppose you considered that the whisky would stimulate their patriotism?—I did not know anything about it.

[The Witness withdrew.]

Trench was the son of one of the best landlords in Ireland, and one who I thought, according to my judgment, was in one way remarkable, namely, that he was not an absentee, and had always spent his money amongst the people, and done them good, and that I thought that such a person ought to be a very good candidate for the county, a very good representative of the county, and they said that they thought so too.

7541. Did they or you introduce the name of Captain Nolan?—They frequently introduced Captain Nolan's name.

7542. What did they say to you with reference to Captain Nolan, or their desire to vote for him?—They always showed the greatest disinclination to vote for him.

7543. Did they give to you any grounds for that want of enthusiasm about him, or want of inclination?—Yes, they said that he was a bad landlord, and they said trifling things, such as, one man said that you could not walk across the corner of the ground, that you would not be summoned the next day, and things of that sort, which made me think that they had really as great wish to vote for him.

7544. So far as they expressed their opinion in any interview with you, did they exhibit any free wish or desire on their own part to vote for Captain Nolan?—Quite the contrary.

7545. Did you say anything as to how they would stand in case they voted against Captain Trench?—I never spoke to them, without distinctly finishing by saying that they knew their master too well not to be aware that they never would meet with anything but the same justice and the same impartiality with which they had always met.

7546. No matter how they voted?—No matter how they voted.

7547. Did any of them express their fears or express themselves afraid; did they tell you at all from what their fears proceeded, or of whom they were afraid, or what?—They said that the clergy were all against them, and that they themselves were personally afraid; one man said so; some man of the name of Finnigan, that he had a farm at a distance, and that he would be murdered on the way, coming backwards and forwards from it; and another said that the house would be burnt over his head. I said you must have very bad neighbours, and he said, No, they were not neighbours, but people who would be sent to do it.

7548. Had you heard of the allusions made to you by Father Loftus in his chapel, your name being introduced by him in his discourse?—I recollect that both Mr. Griffith and myself had been constantly and greedily abused, but I never heard the precise manner in which it had been done until I heard it in this court; I never asked, but I did ask once, when I heard that Mr. Griffith

was greatly abused during his illness, and I was answered that the language was too gross to repeat to me.

7549. Did some of the congregation make these observations?—It was a very respectable man who came up after mass one day to ask how Mr. Griffith was; he seemed very much excited, and he seemed quite disgusted; I then said "What did he say?" It was the only time that I asked the question, and he said "I could not repeat it, for it was too gross to repeat."

7550. Do you recollect the name of that man who told you that?—I should rather not tell it.

7551. Do you recollect the day preceding the polling?—Yes, I do perfectly.

7552. Was there any manifestation of feeling towards you exhibited on that day?—No, on the polling day.

7553. What occurred to you on that day?—We were very much alarmed and frightened at the state of the place; during Mr. Griffith's illness there had been mobs at the gate, with bands shouting and hissing, and all that.

7554. Did that frequently occur during the time that the gentleman was lying ill in bed?—Yes, frequently during his illness: my niece and I both went down to the gate to see whether they got off safely, and there was a cordon of police drawn, so that the mob were not allowed to come near us, and we could see how they went off, and when the cars got outside the gate on turning the corner I saw a volley of stones thrown after them, and then we lost sight of them, because of the height of the garden wall, and they came to the low part, and high ground which commanded a perfect view of it all, and then the cars emerged after sometime, and there was great yelling and shouting, and we were very much frightened, but we saw them emerge in a trot, and the cavalry and police with them, and as they passed the air was darkened with mud and stones, and all the ditches opposite were lined with people and the national school children, and they were there with their bits full of stones.

7555. Was anything done to yourself and your niece which you observed?—Yes, as soon as they had all passed we thought that the danger was over, but there is a walk very close to the domain wall, and we thought that we would take a little walk, and we found ourselves immediately assailed with mud and stones from the ditch opposite, where all those people were, and we beat rather a hasty retreat, but we did not go in, and we did not turn our backs, but we kept retreating and facing them just at a safe distance.

7556. How long have you been living in the county of Galway?—I was born in Galway.

7557. Previously to this, was any insult ever offered to you in the county?—Never in my life, for 20 years.

7558. Can you attribute the treatment which your husband received, and the manifestation of feeling exhibited towards him and you, to anything otherwise than the mobbed state of the people at that time?—Nothing whatsoever.

7559. Do you think that that was the normal state of the people of that county?—No, I never met with so much kindness anywhere in my life.

7560. How would you describe, in your own terms, the state of feeling exhibited by them; the state of excitement?—Whenever I saw them they were more like lunatics. I mean when they were assembled in mobs.

Cross-examined by Mr. Macdonagh.

7561. Was the day when you said that the air was darkened with mud and stones, the day of the polling?—It was.

7562. I regret to hear you say that you and your niece, walking along by another way, were assailed?—We were inside the demesne, and they were outside.

7563. You were not touched by the stones, I hope?—We took care of that.

7564. I only wanted to see that you personally were not assailed?—Oh, no.

7565. Will you be good enough to write for me the name of the person who communicated to you what had occurred in the chapel; I do not want you to state aloud in court, but will you be good enough, when you go down from the table, to hand it to me?—Yes.

Mr. Justice Keogh.] That is very fair indeed. (A piece of paper was handed to the Witness, and she wrote upon it.)

Mr. Murphy suggested that, unless it was thought that there was any possibility of contradicting the witness, it would be desirable that the man's name should not go before Mr. Macdonagh.

Mr. Macdonagh stated that it should go no further than himself and his junior and his attorney.

7566. Mr. Macdonagh (to the Witness).] Had you taken any interest in reference to any Protestant school under your own care?—Long years ago, 18 or 19 years ago. It was not a Protestant school, it was simply and solely a working school.

7567. But you are a Protestant lady, I presume?—I am.

7568. Do you happen to know, rightly or wrongly, whether there was any feeling that you were disposed to desire to proselytise any of the children?—I believe that wherever there is a school, supported by a Protestant lady, there is supposed to be a desire to proselytise; but there was nothing but work, cut work, and I had a mistress for the purpose of teaching it.

7569. You never met the reverend gentleman, Father Loftus, except on one occasion?—I met him on one occasion on my own demesne, before that, but I did not speak to him. He passed me on the narrow gravel walk, and was polite enough to let me get into the grass while he walked on. That was the only interview that I ever had with him.

7570. How long before the election was that?—I suppose it was two years ago.

7571. It had no connexion with the election at all?—None whatever.

7572. I thought I understood you to tell my learned friend that you never interfered in election matters; did I rightly comprehend you?—Certainly not. I spoke very often on election matters with the tenants after my husband's illness.

7573. You had not done so before?—I never spoke to a tenant in my life upon election matters, until during my husband's illness.

7574. Do you know that before the last election, when Captain Nolan and Mr. Mitchell Henry were in the field, every one of the tenants upon that estate had promised Captain Nolan?—I did not know anything in the world about it.

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7575 You

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7575. You have at this moment no knowledge about it?—None whatever.

7576. Do you know that your husband, Mr. Griffith, expressly stated upon that occasion that he would not interfere?—I do perfectly well.

7577. That was the intended contest between Mr. Mitchell Henry and Captain Nolan?—I believe so.

7578. And of course, when you say that you know that your husband had resolved to be neutral on that occasion?—Perhaps it would be right to say, before you go any farther, that I was not at home at that time, and knew nothing about it.

7579. You only heard of it?—I heard of the election.

7580. Your husband told you; he keeps no secrets from you?—He might have told me, but not with a view to interest me, for I took no interest in it; I heard it; I heard him talk to his very great and particular friend Mr. Brown, and he said that he would not interfere.

7581. But having heard that your husband had declared that he would not interfere, you never did hear that the tenants had all promised Captain Nolan?—I never did; I was not at home.

7582. You will have the pleasure of hearing that if you should happen to remain on this occasion; however, you have stated (and I am sure accurately), that the tenants expressed something like a dislike to Captain Nolan?—They did.

7583. They are a very shrewd and intelligent peasantry, are they not?—They are indeed.

7584. I think, if I have taken down your answer correctly, you told them you knew that their master would not interfere by visiting any displeasure of his upon them, even if they voted for Captain Nolan?—Certainly.

7585. By "their master," you meant your husband?—They always called him so.

7586. That is to say, the landlord's agent is always called in the country "the master"?—The master; whoever lives in the house is generally called the master.

7587. Whoever receives the rent, and deals with the tenants, they call the master?—Whether they do or not, if he lives in the house they call him the master.

7588. Therefore you adopted the same mode of expression yourself?—Yes.

7589. How many conversations had you with the tenants, endeavouring to induce them to vote for Captain Trench?—I did not endeavour to induce them to vote for Captain Trench.

7590. Did you not, in a very terse, logical mode of argument, argue with them, pointing out the reasons wherefore they should vote for Captain Trench, and not for Captain Nolan?—I had no argument, because there was no opposition made to what I said.

7591. There was no angry argument?—There was no argument at all.

7592. Then the argument was all on your side?—I did not argue; it requires two to argue.

7593. I will venture to call it an argument?—I expressed my opinion.

7594. You said that Captain Trench was the son of the best landlord in Ireland?—I did.

7595. That further, he was not an absentee?—Yes.

7596. That Lord Clancarty was a resident?—Yes; and spent his money in the country.

7597. And that you thought that Captain Trench, his son, would be a very good candidate; you put that all to them?—I did.

7598. And how many were present at the time?—I could not say how many voters were there, because I was not acquainted, personally, with many voters; but there were men paying rents, and I thought there were voters amongst them.

7599. And it was they who frequently introduced the name of Captain Nolan?—Yes; many of them on several occasions.

7600. But always in a disparaging way?—Always.

7601. Such as you never could have anticipated from men if they had previously promised him?—I heard nothing of their promising him at all.

7602. I am sure you correctly state that. In short, they expressed a wish to vote for Captain Trench, so far as you recollect?—They expressed a strong wish to go with their master, and in every possible way they showed me that they had no dislike whatever to vote for Captain Trench.

7603. But, on the contrary, they manifested a species of dislike to Captain Nolan?—Exactly.

7604. Why was it, after all, that when they expressed this ardent desire to vote for your friend?—I did not say they expressed an ardent desire to vote for my friend.

7605. Did you not say that they expressed a desire?—To go with the master, willingly and freely, as they had promised.

7606. If they had expressed that desire to follow their master, and if they had signified this dislike to Captain Nolan, on the grounds that they stated, namely, that he was a bad landlord, and that he summoned them for trespass, why did you consider it necessary to go on and say that they knew their master well, and that if they voted for Captain Nolan he would not punish them?—I did not say I said that on the same occasion. I had several conversations with them.

7607. Will you do me the favour kindly and quietly to give me your very intelligent answer (as they all are) to this: if they had manifested all this desire to vote for Captain Trench, and this dislike to Captain Nolan, why did you make use of the expression, "You know your master well, and he will not do you any mischief if you vote for Captain Nolan"?—That is easily answered. That is when I found they were getting frightened and going back.

7608. When they were about to recede?—Yes.

7609. And then you still urged them to vote for Captain Trench?—I do not think I spoke any more upon the subject. I spoke then more upon their fright.

7610. You pointed out that they need not be afraid?—Yes.

7611. Did they not manifest to you when they were about to recede, as you say, and to vote for Captain Nolan, that they were afraid?—They did not say they would vote for Captain Nolan; they only said that they would not go in for Captain Trench.

7612. When they said that they would not go in for Captain Trench and recede, can you fix for me how shortly that was before the day of the

the election, the 6th of February?—I think I heard it from the bailiffs and different people during Mr. Griffith's illness.

7613. When did he recover?—I do not believe he was able to see any one on business of any kind until it might be from the 16th to the 20th of January. I could not say exactly. He began to be able to come downstairs a little after that.

7614. Was it during his illness that you had various conversations with the tenants?—It was.

7615. Did he tell you when he himself was unable personally and actively to interfere that you should speak to the tenants for him?—He never did. He was too ill to mind anything, or say anything on the subject.

7616. Then, of your own mere motion, you did it?—I just did what I thought he would like me to do.

7617. What is the name of the Protestant clergyman of your district?—The Rev. Mr. Lyons.

7618. I now desired to ask you whether you are on good terms with him?—I do not see what that has to do with the matter, but if it is necessary to answer that I am quite willing.

7619. Mr. Justice Keogh.] I see no objection to your answering it?—None in the world. I am not on good terms with him.

7620. Mr. Macdonagh.] You spoke rather slightly, I think, of the politeness of Mr. Lyons. No Irishman wishes to be thought rude to a lady. You thought that, about two years ago, he was rude in allowing you to go on the grass?—One day, I cannot say how long ago it was, I thought he was not polite.

7621. Was he reading at the time?—He was walking with another clergyman; there were two of them walking.

7622. Were they in conversation?—No; they were just walking.

7623. Were they reading?—Not that I remember.

7624. Was that before the time of the pony or after?—It was a year or two before, I should think. The pony was very lately, indeed. I suppose last October, or thereabouts.

7625. Then you had not spoken to him at all till last October?—I never saw him in my life but twice.

7626. And you cannot undertake to say that that day he even saw you?—Oh, yes, I can; I met him face to face in a narrow gravel walk.

7627. And he unceremoniously, as you thought, did not leave the walk?—Yes; I merely mentioned it, because you asked me if I ever saw him before.

7628. All your persuasions with the tenants were unavailing?—So it would seem. I used no persuasions whatever.

7629. Only the arguments I mentioned?—I used no argument.

7630. It was a colloquy?—It was not a colloquy.

7631. You were not talking to yourself?—No, I was talking to them.

7632. You were trying to induce them to vote for Captain Trench?—I was not trying to induce them; I was simply stating the case.

7633. Who was on the other side; you were stating the case, and they were listening?—They were listening.

7634. Did you not want to persuade them to vote for Captain Trench?—I wanted to lay my opinions before them. I wished them to vote for Captain Trench.

7635. And you wished that your opinions should prevail?—Certainly.

7636. Though you had received no instructions from your husband, you thought you could not better please him than by doing that?—Certainly.

Re-examined by Mr. Murphy.

7637. Whether it was conversation, persuasion or discussion, did they ever advance to you on their part any opposition to keeping their promise to vote for Captain Trench, except the terror and intimidation to which you have referred?—No.

7638. Did they assign any other ground for not keeping their promise to the utmost to their master?—Never, none whatever.

7639. As to this working school that has been referred to, when was it that you had this working school?—It is 17 or 18 years ago.

7640. And the children were only taught work there, I suppose; their usual crochet work?—No; it was what was called at the time cat work, and I had a mistress to instruct them.

7641. There was nothing, so far as you know, sectarian in the stitches that were taught the children?—Nothing whatever.

[The Witness withdrew.]

Mr. EDWARD NGERTY, sworn; Examined by Mr. Serjeant Armstrong.

7642. You are an Attorney and Solicitor?—Yes.

7643. I believe you are acting on behalf of Captain Trench at a booth at the last election?—Yes.

7644. Where was that?—At Ballymore.

7645. Were there votes given for Captain Trench at that booth?—Yes.

7646. Do you recollect about how the numbers stood at that booth at 12 o'clock?—I recollect Mr. Conway, who had the management of the district about Tans, coming to me about 12 o'clock, and asking me how we were going on, and I said, "very favourably." To the best of my recollection, I said we were in a majority of about 13.

7647. Do you recollect between 12 and 1 o'clock

any person arriving?—I recollect that his Grace the Archbishop arrived about 12 o'clock.

7648. Had he a chaplain with him?—Yes; there was some clergyman with him. We were very slow at the time, and there was no business doing. He came up and sat on the booth for about 10 minutes. We were not doing any business at the time.

7649. Do you recollect at 1 o'clock any people coming?—I do; the voters came in at 1 o'clock, a number of them in groups together in twentys and thirties, with clergymen, priests with them at their head.

7650. Of course those men voted?—They did.

7651. Did the priests remain while they voted?—Yes, they remained.

7652. How did they vote?—I think we had

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only one solitary vote from that time for Captain Trench; all the rest were for Captain Nolan.

7653. Did the priests continue at the poll until those men had polled?—The priests remained at the poll until those men had polled.

7654. Did you observe anything in the way of ribbons in the hat of one of them?—One clergyman wore a green ribbon round his hat.

7655. Have you had considerable experience at various elections through Ireland?—Yes; I have conducted 10 or 12 elections, and have been concerned in about 20 others.

7656. Did you ever see the priests more active on any occasion?—They were very active.

7657. Did you ever see them more active anywhere?—No, indeed, I never did.

7658. Did any of the clergy or of the ecclesiastics wear green gloves?—Not to my knowledge.

Cross-examined by Mr. MacDermot.

7659. I think your votes were pretty nearly polled out at 12 o'clock?—We had not one vote when once the clergymen came in.

7660. And the clergymen came in along with those voters?—Yes.

7661. And you did not expect that the voters who came in with the clergymen would have voted for you if the clergymen had gone out of the booth?—I do not know; they might have done so.

7662. But at all events they came in with the clergymen?—They came in with the clergymen and went with them.

7663. And voted there?—They voted there.

7664. When you saw them coming in with the clergymen, you did not entertain any very confident expectations that they would vote for you?—Indeed, I did not.

7665. I suppose that you have witnessed contested elections?—Yes.

7666. Have you seen more violence at other contested elections than at this?—Much more. There was no room for violence here to any extent, because they were all one side.

7667. The whole of the people were on one side, and there was no violence?—The mob was all on one side; there was no mob against them.

7668. What do you mean by "a mob"?—The non-voters and men with sticks in their hands, and nothing to do, apparently.

Mr. MATTHEW JENKINGS, sworn; Examined by Mr. Murphy.

Mr.
M. Jennings.

7669. Where do you reside?—Near Dunmore.

7670. Do you recollect on the 14th of January going to hear mass at Dunmore?—I do.

7671. Do you recollect hearing Father Loftus speaking about the election?—I do.

7672. Were you in the same pew with Charles O'Loughlin on that day?—I was.

7673. Sitting close to him?—Yes.

7674. Did you hear Charles O'Loughlin's name introduced by the reverend gentleman?—I did.

7675. Tell us, as accurately as you can, what he said when he introduced the name of Charles O'Loughlin; how did he introduce Charles O'Loughlin's name?—He spoke of the supporters of Captain Trench, and among them numbered Charles O'Loughlin as one; and he said he had the audacity, or the impertinence (I do not know which word he used; he might have used both) to canvass them for the election in the parish of Dunmore, on the Thursday previous.

7676. Did he bring his name again into his dis-

7669. And consequently they were not guilty of any violence?—I saw no violence, beyond the smashing of our windows at Tuam. I was at that hotel where all the windows were smashed.

7670. Did you see the windows smashed yourself?—I did not, but I saw them after they were smashed, and I retired to my bedroom.

7671. Upon the whole, taking into consideration the qualifying fact that the people were all on one side, did you ever see a quieter contested election?—For the reason I stated, I do not think it was a violent election, according to my ideas of violence.

7672. For the reason which you state, did you ever see a quieter contested election?—For the reason which I state, I do not think it was a violent election; there was no one to fight with.

7673. For the reason which you state, did you ever see a quieter contested election?—To go over the same ground again.

7674. You have not given me an answer to that?—For the reason which I state; that there was no one to fight with on the other side, and no mob to contend with. I do think it was a quiet election, as far I saw.

7675. Do you know Mr. Bagot?—I do, slightly.

7676. Was he in the booth all day?—I think he was.

7677. Who was Mr. Bagot?—I think he is a magistrate of the county.

7678. Was he a supporter of Captain Trench?—He was.

Re-examined by Mr. Sergeant Dranscott.

7679. You say that you saw windows that were smashed?—Yes.

7680. Did you go into your bedroom?—I did.

7681. Was that at the back of the house?—It was.

7682. Were you safe there?—Yes.

7683. You said that you got on very well until 12 o'clock, with a majority of 13. Did you think it was all up with Captain Trench when you saw the priests coming?—I did.

7684. You are a man of sagacity.

[The Witness withdrew.]

course?—I think that is about the substance of what he said with regard to Charles O'Loughlin; he was speaking a good while about him.

7685. Did he apply to him any term which you recollect?—No; not that I recollect. He said that he was impertinent; that he had the audacity, or impertinence.

7686. Did he speak about his brother?—Yes.

7687. What did he say about the brother?—Well, he used rather an awkward term with regard to the brother.

7688. It was not awkward to him to utter, as we cannot allow it to be awkward to you to repeat? I think he called him a blackguard, or something like that.

7689. Have you any doubt of it?—He did.

7690. Did you hear it distinctly?—I did.

7691. Did he call Charles O'Loughlin the same?—I do not recollect that he did.

7692. Did you hear him speaking in Irish?—I did.

7701. Do you understand Irish?—No, I do not.

7702. Did you hear him introduce the name of Mrs. Griffith?—I did.

7703. Do you recollect his speaking in Irish, and bringing in the name of Mrs. Griffith?—I do.

7704. Did you see the people beating their breasts when he mentioned her name?—I did not remark it.

7705. Did you observe any excitement in the chapel when he was speaking about the absent lady?—Well, I think there was a little astonishment.

7706. Did you hear anything about "the brand of Cain" on that day?—I have no recollection of it.

7707. Think of it. On that or any other day, did you hearing him speaking about "the brand" on any persons?—I do not recollect it.

7708. Did you hear him talking about the persons who would vote for Captain Trench?—I did.

7709. Did he abuse any one who would vote for Captain Trench?—His observations with regard to them were rather abusive.

7710. Were they strong terms of abuse?—Well, I should say that they were rather strong.

7711. Is "the brand of Cain" a strong term to be fixed on a man's brow?—Well, I should say it is.

7712. Was there anything about a brand on the person who would vote for Captain Trench?—I do not remember hearing Father Loftus make use of that term. I have no recollection of it.

7713. Will you tell us the strong terms which he applied to those persons who would vote for Captain Trench?—The language which he used in regard to them, I thought, was rather abusive, but I could not exactly tell you.

7714. Were you shocked at it?—Well, I was rather astonished.

7715. Had you often heard language of that kind in a place of worship before?—I had not.

7716. You have no desire to hear it again, I suppose, for your edification?—Not the least.

7717. Did he introduce anything about fever or small-pox there?—I do not recollect that he did.

7718. Do you say that you can tell any of the strong terms which you say, if they did not shock you, astonished you, and which he applied to the Catholics who would vote for Captain Trench?—Well, I cannot recollect any very strong terms that he applied to them.

7719. Were they so strong that you cannot recollect them?—No.

7720. Have you been remembering, to forget them since?—He spoke of the comparative qualities of both candidates.

7721. Of course, that was all right; and one was painted as an angel, was he not?—Considering the antecedents of the Clancy family, he said that they ought not to vote for Captain Trench; that they could have no confidence in him.

7722. But I want to know the strong terms which he applied to them. Did he use the word "renegade"?—On your oath?—Well, I think he did.

7723. Are you not sure that he did?—It is my belief he did.

7724. Are you not certain of it? If you tip the brow of your hat a little more you will be sure?—It is my belief that he did.

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7725. And the word "renegade" was not applied to a man who would vote for Captain Nolan?—No, it was not.

7726. There is nothing else you desire to mention on the subject, is there?—Not the least.

7727. You did not understand the Irish which was said about Mrs. Griffith?—I do not understand Irish, but I recollect that, in whatever observations he addressed to the people in Irish, I think the words "Mr. Griffith" occurred.

7728. And that is the time that the people appeared to be astonished?—Yes.

7729. Did you see them beating their breasts at the time? Did you observe any of them doing that?—No, I did not. If they did, I do not recollect it.

7730. How did they manifest their astonishment? Was there anything like this (*making with his lips a noise expressive of astonishment or surprise*)?—One might have looked at the other and felt astonished.

7731. Each looked at his neighbour astonished?—Exactly.

7732. Do you recollect their looking astonished? Did you look at any one in astonishment?—I did.

7733. At whom did you look in astonishment?—At Charles O'Loughlin.

7734. Did you say at the time, "This is terrible"?—Well, I think I expressed my disapproval.

7735. Did you say, "This is terrible language in the house of God"?—I do not exactly know if that was the term I used, but I know I expressed my disapproval.

7736. Something tantamount to that?—Something tantamount to that.

7737. Though you had not the benefit of an immediate interpretation of what was said of Mrs. Griffith in Irish, did you hear of the way in which he spoke of her in English?—I heard it talked of after.

7738. Among the congregation immediately after, about what he said of her in Irish?—Yes.

7739. Who was speaking to you about it afterwards?—The whole of the congregation, when they got out in the street, were talking of what was said on the altar, and talking about the election, and what Father Loftus said.

7740. Did they say anything about that nothing should thrive that Mrs. Griffith put her hand to?—No.

7741. What was it they said that he said?—That it was not very nice of Father Loftus to speak of Mrs. Griffith in the manner that he did.

7742. A lady and gentleman who had never done them any harm?—Exactly.

7743. They spoke of them as being good and kind to their neighbours?—Yes; and so they are.

7744. When he spoke of them in English, do you recollect his making any allusion to Mrs. Griffith being the master?—He did.

7745. Did he speak of her in the terms which we have heard mentioned here before; we need not repeat them?—He did.

7746. It was coarse language to apply to a lady?—I should say so.

7747. I should say so, too. I am very happy that we agree upon that subject.

Cross-examined by Mr. Meodough.

7748. Was the pew in which Mr. Charles O'Loughlin

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Mr. O'Laughlin sat in the back part of the gallery?
Mr. Justice.—It was.

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7749. How many seats were between you in the back of the gallery and the front?—I think there were about six or seven.

7750. And of course Mr. Charles O'Laughlin must have been under a mistake if he stated that his pew in which you sat with him was in the front of the gallery?—If he stated that it was a mistake; but I was listening to his evidence, and I do not think he stated that.

Mr. Justice Keogh referred to the shorthand writer's notes as to what had been said, and the questions and answers were read.

7751. Mr. Macdonogh (to the Witness). When the clergyman talked of Mr. Charles O'Laughlin, the "blackguard" who had the audacity to canvass the voters, do you remember that the people laughed?—I have not said that he said "Charles O'Laughlin, the blackguard."

7752. I know you have not, but those were the words of my learned friend. You said those words were applied to the brother?—I think so.

7753. Do you not recollect whether the people laughed when he said, "There is Charles O'Laughlin"?—They did.

7754. Do you not remember that when he talked about this lady, and the difficulty of fitting her, they laughed heartily?—They did.

7755. Are you a voter?—I am.

7756. Did you vote at the election?—I did not.

7757. What would be your polling-place if you did vote?—Tunn.

7758. May I take the liberty of asking your business or profession?—I am a farmer.

7759. Where is your farm?—I have farms in both counties, in Galway and Mayo, and I live in Galway.

7760. How far is your farm from Tunn?—About five miles.

7761. Were you at any of these twelve meetings which there were in the county?—I did not attend any meeting, but I happened to be in Dunmore on St. Stephen's-day, the day of the meeting. It was not with the intention of attending the meeting that I went there, but I happened to be in the town on that day.

7762. Were you selling your agricultural produce, or what were you doing?—I went into mass on St. Stephen's-day.

7763. How near to the town was the meeting held at Dunmore?—It was held in the town, in the Market Square.

7764. And I suppose there was a platform raised?—There was.

7765. Was there a large assemblage?—There were a good many people there.

7766. I believe it was very quiet, peaceable, and orderly?—It was.

7767. Was that the only one of those large meetings which you saw or knew anything about?—It was. I happened to be there, and it was the only one that I saw.

7768. Were you in the town of Tunn on the day of the polling?—No.

Re-examined by Mr. Murphy.

7769. You had the pleasure of hearing some portion of this meeting at Dunmore?—Yes; I was at Dunmore, and I was there.

7770. Did you see Mr. Pat Barrett there?—He was there.

7771. Was he making a speech there, as you might say?—Yes; I heard he was rather boisterous there.

7772. Did you see him making a speech there?—No, I did not see him, but I heard him.

7773. You are a voter?—I am.

7774. Did you vote at all?—No.

7775. How was that?—I will tell you how that was. I have a very great respect for my landlord, and I have a very great respect for my landlord, and when I saw the landlords and the priests standing in opposition to each other I thought it just as well that there should be no bad feeling towards me from both parties, and I did not vote at all.

7776. Mr. Macdonogh.] Who is your landlord?—I live under Mr. Hancock, but I have more land.

7777. Who is your other landlord?—I hold a farm from a Mr. Crook, and I hold land from a Mr. Tusher—both English gentlemen.

7778. Mr. Macdonogh.] That is the Castle-French estate?—Yes.

7779. Mr. Macdonogh.] Do you hold land under Sir Thomas Burke?—No.

7780. Is Mr. Connamon, the petitioner's agent, the agent of either of those properties?—He is the law agent, but I do Mr. Connamon the justice to say that he never asked me for my vote, and never canvassed me at all.

7781. You thought, seeing the landlords and the priests not going together, you would stand between?—I was afraid there might be a bad feeling, and therefore I thought it better not to say anything at all, do you see.

7782. You have a great respect for your religion. You are a good Catholic, I suppose?—I hope so.

7783. Are you a friend of Sir Thomas Burke?—Yes; I think so. Sir Thomas is very friendly disposed towards me.

[The Witness withdrew.]

Mr. Justice Keogh stated that as the threatening letter, which had been sent to Lady Anne Daly, appeared upon the shorthand writer's notes, it was unnecessary to detain the Government official, who had the letter in charge.

Mr. Macdonogh stated that he would accept that copy, and asked to be allowed to inspect the several anonymous threatening letters as to which evidence had been given.

Mr. Sergeant Armstrong stated that he now proposed to recall Patrick Geoghegan, to produce Archdeacon Batson's intimations to his tenants as to how he desired them to vote.

PATRICK GEOGHAGAN, recalled; Further examined by Mr. Sergeant Armstrong.

7784. YOU were examined before, and you are on your oath now?—Yes.

7785. You stated that you had received a note from Archbishop Benson as to what you were to do?—I did.

7786. Have you got it now?—Yes; there it is (*handing a paper to the learned Counsel*).

7787. "Saint Grants, January 6th, 1872.—Geoghagan, I wish the tenants at Coltra to support Captain Trench at the coming election by their votes; please let them know this.—C. H. Benson. Let them see the enclosed." Are these the things that were enclosed (*showing some papers to the Witness*)?—Yes.

7788. And they are papers in print—*duplicates*—"Do not vote for Nolan. Read this from the 'Irish Times.'" It is an extract of something that was in the 'Irish Times,' and was reprinted, and he sent some of them; those are the letters you received?—Yes.

7789. Did you let them see them?—I did.

7790. Did you tell the tenants, as you said before, what was the archbishop's wish?—I did. I mentioned to his tenants, according to his directions to me, that it was his wish for his tenants to give their votes for him, to have Captain Trench's support as Member for the county, and so had Captain Mansell, his agent, come down.

7791. Was Captain Mansell there before you got that letter?—Early in January he had come.

7792. And he had been amongst them?—He had.

7793. How soon after he had gone away did you get the letter?—This was before the polling-day in Gort that I got it, and Captain Mansell walked in there.

7794. "I wish the tenants of Coltra to support Captain Trench;" that was in the letter?—Yes.

7795. Did you explain it to them; some of them, I suppose, could not read at all?—I explained it to every one of them.

7796. Did you read the two printed papers?—I did not.

7797. Did you read them out for the tenants?—That is a thing that I could not read. I did it just to finish off the paper, and that like.

7798. You were told by the landlord to let

them see the enclosed?—To let them see the enclosed.

7799. Did you let them see the enclosed?—I did.

7800. Could some of them not read?—Some of them could read, but they would rather not receive them.

7801. They would rather vote for Captain Nolan?—They would, indeed.

7802. And they did?—Of course they made a promise to Captain Mansell and to me both, that they would willingly vote for their landlord, but for being in dread of their priests, and that they dared not show their face at fair or market in case they did.

7803. Where was Mr. Benson Archbishop?—At Saint Grants, in Clonfert. They would willingly give their vote to have the honourable Captain Trench supported, but they dreaded their priests.

7804. "Please let them know this. Let them see the enclosed," printed from the "Irish Times," "Do not vote for Nolan." Did you explain to them that the Rev. John Dooley had written a letter against Captain Nolan at first?—I did often.

7805. You explained that to the people?—Yes.

7806. This was in the printed paper from the "Irish Times"?—I had seen in every newspaper how the thing was going on.

7807. And you told the people what a bad landlord Captain Nolan was?—I often told them there was not as bad a master man and a better landlord than the Archbishop, and I explained that in case the crop was lost, or the cattle would die, who would they apply to for relief but the Archbishop? I recollect I made use of that expression.

7808. You pointed out to them, when asking them to vote for Captain Trench, that their cattle might die, and things of that sort might happen, and who would they have to look to but their humane landlord?—Yes, for relief.

7809. Did you at the same time point out how bad a landlord Captain Nolan was, as stated in this printed paper?—I said nothing.

7810. Did you not tell them about those evictions?—According to them I did.

[The Witness withdrew.]

P.
Geoghagan.
—
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Eleventh Day.—Friday, 12th April 1873.

The Rev. Father SHANNON, called: Examined by Mr. Serjeant Armstrong.

- Rev. Father Shannon. 7811. Do you produce the resolutions come to at any clerical meeting before the month of December last?—No, I have not got any.
- 1st April 1873. 7812. Do you produce a circular under the hand, or bearing the signature, of Sebastian Nolan, with reference to the election, dated on or about the 9th of January, in this year?—No, I have not got it.

The Rev. Father WHITE, called.

- Rev. Father White. 7813. Mr. Serjeant Armstrong.] Do you produce a circular of Sebastian Nolan bearing date on or about the 9th of January?—No.
7814. Have you any resolution come to at any clerical meeting before the month of December last?—No.

The Rev. Father COEN, called.

- Rev. Father Coen. 7815. Mr. Serjeant Armstrong.] Do you produce any resolutions come to at any clerical meeting before December last?—No.
7816. Have you a circular of Sebastian Nolan's, dated on or about the 9th of January 1872?—Yes (*producing the same*.)

Mr. Serjeant Armstrong.] I will read this circular, my Lord, "Tuam, Tuesday, 9th January 1872."

Mr. Macdonagh.] May I ask whether it is signed by Sebastian Nolan?

Mr. Serjeant Armstrong.] Yes, "Tuam, Tuesday, 9th January 1872. My dear Rev. Sir—I have learnt, on the best authority, that the Trench party intend a surprise, by having the election at once, perhaps as soon as Saturday week. It will, therefore, be necessary to organise immediately how the voters are to be conveyed to the poll. As we have not the landlord organisation we rely on the kindness of the clergy to superintend the arrangements about bringing the voters to the poll, and organising them in their own parishes. I will deem it a special favour if you will ask some person, a non-voter, to carry out the following arrangements in your parish. If you forward the name of any person to me I will engage him at once, for the following purposes, at a salary of 3 l.; the sooner he goes to work the better. 1st. To ascertain the number of voters in your parish who will vote for Captain Nolan. 2ndly. To ascertain how many carts he can procure to carry them to the poll, in the proportion of one cart to every four voters, at 1 l. 5s. per cart, for the day of the election, and 10 s. 6 d. per cart if not used. 3rdly. To forward to me the names of the car owners at once, so that I might engage them; if cars cannot be procured, carts in the proportion of one cart to every four voters. 4thly. Before the day of the election it would be very useful to appoint a certain place for the voters to assemble, at such an hour as to enable them to reach the booths in time, and to tell off the carts and cars to collect the voters to the

rendezvous, thence to proceed together to the poll. If you will be so very kind as to superintend these arrangements, or see that they are carried out, you will much oblige Captain Nolan. And your obedient and devoted servant, Sebastian M. Nolan." I may say, my Lord, that the document which I have read is in the form of a circular, it being in print. I apprehend that it is one of many which will turn up.

Mr. Macdonagh.] Does it say "circular" at the top?

Mr. Serjeant Armstrong.] No. Then there is this document produced by Father Coen, which is also printed: "Tuam, Wednesday, Jan'y. 17th, 1872. My Revd. dear Sir,—From letters I have received, I find that there may be some misunderstanding as to the nature of my circular, issued on the 9th inst. as regards matters Nos. 1 and 4 there mentioned. Firstly, I do not wish the persons I intend to appoint in any way to canvass the voters, as it is not my intention to appoint paid canvassers. Secondly, the place of rendezvous is not to be appointed by the person so employed. Perhaps you would kindly undertake to form the best judgment of where this place should be, yourself. The duties of the persons so appointed will simply be that of messengers and runners, to find out where and from whom cars and carts can be hired, and forward the names of their owners, as pointed out in No. 3, and afterwards communicate to them my answer to their proposals, when received. They will afterwards be expected to convey to the voters information of where the cars and carts will assemble, and to assist in getting them together on the polling day. It is wished to hire cars where they can be got, and only carts in the event of a difficulty in procuring them. It is wished to hire only the cars and carts of non-electors. You yourself would, perhaps, kindly form a judgment of the number of cars and carts likely to be required. The election will not now take place this week, but the writ has been moved for, and the earliest information on this

this subject will be at once announced. I have the honour to remain, Yours faithfully, *Sebastian M. Nolan.*

7817. (To the Rev. Father Coen.) Have you anything else?—Yes (*producing some documents*). The letters now produced are in the nature of private communications.

Mr. Serjeant *Armstrong*.] They are not marked "private."

Mr. *Madoxagh*.] How many are there?

Mr. Serjeant *Armstrong*.] Three.

Mr. *Madoxagh*.] You had better read them out.

Mr. Serjeant *Armstrong*.] I think so; there is nothing in them which may not be read. "Ballinderry, Tunn, 17th January 1872. My dear Rev. Sir—Pray excuse my importuning you with circulars, but there is a great deal of work in hand. I also enclose some form of contracts for engaging cars, if you want any in your parish. I will engage any number you may say you require, and will consider them engaged from the date the contract forms are signed by the owners of the cars. Could you kindly tell me how many of your parishioners will vote for Captain Nolan? Yours very truly, *Sebastian M. Nolan.* The Rev. Patrick Coen, c. c." "Ballinderry, Tunn, 24th January 1872. My dear Rev. Sir,—I shall be much obliged by your giving the enclosed letter to Mr. Lynch, whom you have been so very kind as to engage, on the terms of the circular. Mr. Lynch evidently does not know what he is engaged for. I do not at all want him for a canvassing agent, but I do want him to procure a sufficient number of cars, to convey the voters to the poll. Will you be so extremely kind as to see that Lynch has procured a sufficient number of cars and cabs, where there are not a sufficient number of cars to convey the voters to the poll. Your parish is a most difficult one to manage, and I hope you will be so extremely kind as to look after it, otherwise the voters will never poll. I see that there are three baronies in your parish, Athenry, Loughrea, and Duncannon. The two first are easy enough to manage, as they poll in Loughrea, but the third is most difficult. The best way to arrange it, if the voters are unwilling to drive into Galway, will be for them to be at Athenry at 9 o'clock, a.m., on the polling day, and to go in by train, cars being appointed to take them to Athenry and back, and I will send you return tickets for as many voters as wish to go to the hustings by train. I know I am giving you a great deal of trouble, but we have to rely on the kindness of the clergy to bring the voters in. Yours very truly, *Sebastian M. Nolan.* P.S.—Will you kindly inform me of the number of voters in our favour in your parish." "Ballinderry, Tunn, 30th January 1872. My dear Rev. Sir—Three cars are to be sent to you from Athenry from Kinneer. I have written to him to send the cars to you at 4 o'clock, on Tuesday morning; would you kindly send a messenger to inform him the exact place and

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hour where you wish to have the cars, and get him to take precautions that they are in time. Pray excuse all this trouble. Yours truly, *Sebastian M. Nolan.* The Rev. Father P. Coen."

7818. (To the Rev. Father Coen.) Have you anything further?—No.

7819. Have you any list, yourself, of voters that you took down in your house of worship, or elsewhere?—No.

7820. But the other gentlemen, whose names I have mentioned, have lists of voters, Father Shannon and the Rev. Mr. White?—I have not got it; I did not bring it from my hotel.

7821. Have you any other documents from Sebastian Nolan, or connected with the election, in court?—Not from Sebastian Nolan.

7822. Or from Captain Nolan?—I have a letter from Captain Nolan (*producing the same*). "Ballinderry, Tunn, 29 January 1872. My dear Father Cannon—I trust you will attend at Galway Court House on the nomination day, now fixed for Saturday, 3rd February, 10 a.m., and that you will aid me by your countenance. Believe me very truly yours, *John Philip Nolan.* Polling, Tuesday."

7823. Have you any other letter; produce whatever you have at your hotel. (To Father Shannon.) Will you show me any list of voters which you have?—I have no list of voters; the only document which I have is the resolutions passed by the voters, and their names attached to them by themselves.

Mr. Serjeant *Armstrong*.] You may keep that to yourself. Has Father White any lists of voters?

Rev. Father *White*.] None.

7824. And no letters from Sebastian Nolan?—No.

7825. You have no document?—No; I may have received documents, but I did not keep them.

7826. Mr. Serjeant *Armstrong* (to the Rev. Father Burns).] Will you be good enough to produce a letter which you received from Sebastian Nolan. (*The Rev. Father Burns produced the same*.)

7827. Mr. Serjeant *Armstrong*.] This is what I may call the "Sellers" circular covering the resolutions forwarded by Dr. Duggan. I will read it: "Loughrea, January 18th, 1872, Rev. Sir,—I am instructed by the Most Reverend Dr. Duggan to enclose resolutions adopted at the meeting of the clergy here, on yesterday. The unanimous desire of the clergy also, was that His Lordship would request all the priests of his diocese to explain to their flocks, on next Sunday, the rights and responsibilities of the clergy in exercising the franchise in the coming election; that it is a trust vested in them for the benefit of the people at large, and not to be used for private or personal purposes, but without fear or favour, according to the dictates of each man's conscience. His Lordship, therefore, expects that, in this crisis, where the intention is explicitly avowed to crush 'priestly dictation,'—the parrot cry of the advocates of revolution and communism—no clergyman will be found apathetic or indifferent. His Lordship is fully confident that the people will fearlessly sustain the united prelate and priest-hood of this great Catholic county. I am, Rev. Sir, your obedient servant, *John Sellers, c. c.*"

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(to

Rev. Father
Coen.
—
19 April
1872.

Rev. Father Coen. (To the Rev. Father Shannon.) Have you one of them?—No.
 14 April 1879. 7828. (To the Rev. Father White.) Have you one of them?—No.

Mr. Serjeant Armstrong.] Father Burns also produces the following document: "County Galway Election. At a meeting of the bishops and clergy of the diocese of Clonfert, held at Loughrea, on Wednesday, 17th instant (that is, the 17th of January 1872), Most Rev. Dr. Duggan in the chair, Rev. J. Sellars, C. A., secretary, the following resolutions were unanimously adopted: 1st. That, as the spiritual no less than the temporal interests of our flocks are likely to be most seriously affected by the legislation of the coming Session of the Imperial Parliament, we deem it a sacred duty, as it is a constitutional right, to make every legitimate effort that our county may have such representation in Parliament as will most conduce to the advancement of those interests. 2nd. That, with this object solely in view, we declare our full confidence in Captain Nolan; and we call on each of our parishioners as are privileged to vote to record their votes fearlessly and conscientiously for that gentleman in the coming struggle."

Mr. Maddenagh.] Your Lordship will direct copies of all these documents to be made?

Mr. Serjeant Armstrong.] Is it possible that you wish to have them made? How is it that you have not got them?

Mr. Maddenagh.] I have not got them.

7829. Mr. Serjeant Armstrong.] Then your solicitor ought to have furnished them to you. However, you shall have them. (To Rev. Father Burns.) Have you anything else?—Yes (producing a document.)

7830. Mr. Serjeant Armstrong.] The Rev. Mr. Burns also produces a list of voters, and it is covered by a piece of parchment. The number of voters in the barony of Athea was 113; of Loughrea, 292; and of Leitrim, 470. (To the Rev. Father Burns.) Have you anything else?—No.

Mr. Serjeant Armstrong.] Is Father Lavelle here? (To Father Lavelle.) Have you a copy of any clerical resolutions arrived at anywhere?—None; I never got any.

7832. Have you a circular of Sebastian Nolan's?—Yes; it is just the same as that which has been handed in.

7833. Have you any letters from the Captain himself?—I have not. I came here in a hurry.

Mr. Maddenagh.] Do not answer anything unless you are sworn.

7834. Mr. Serjeant Armstrong.] I must call attention to this gentleman's subpoena, which was most exhaustive, and to which he must attend. Nothing can be more searching and more universally exhaustive. Is the Rev. Mr. O'Brien here? (To the Rev. Father O'Brien.) You know what I want; have you got it?—No; what you want you will not get from me.

7835. Have you any resolutions, or copies of resolutions?—No.

7836. Any circulars?—No; I got one circular. 7837. Have you it with you?—No.

7838. Did you get any other circular?—I got one.

7839. And you have not it here?—No. 7840. Have you any letter from Sebastian Nolan, or from the Captain?—I got one from Sebastian, but not from the Captain (producing the same.)

7841. Mr. Serjeant Armstrong.] This is dated 31st January. You are conversant with this gentleman's writing, and I am not; I cannot read it. Read it out, with the enclosure?—"Ballinderry, Tuam, 31st January. Mr. dear Father O'Brien,—I enclose the required leave. My brother saw Father Thomas Burke at Portunna to-day. He will not act. I gave the answer by telegram, and do not know his reasons. I suppose it is on account of Lord Clonbrooke. You see you will have to act. I hope you will write out a good speech. Kindly give two lines to the messenger, that I may be sure this has arrived, sincerely yours, J. P. Nolan." This is the enclosure: "In the event of Father O'Brien's going to Galway, either on the day of nomination, or for the purpose of nominating Captain Nolan, the Archbishop has given permission to the Rev. Mr. Linskey to say the necessary parochial masses on the Sunday following. *Edmond Thomas, January 31st, 1872.*" Then there is this letter from Captain Nolan, which Father O'Brien produces: "Ballinderry, Tuam, 31st January. Dear Father O'Brien,—Leave signed by Father Thomas for Sunday; despatched this night at 7 by messenger. This is only to save accidents. I have had a telegram, saying Father Tom Burke would not act. In haste, sincerely yours, J. P. Nolan."

Rev. Father O'Brien.] The letter which I have produced I got by a messenger, and the other arrived in due course of post the morning afterwards.

7842. Mr. Serjeant Armstrong.] Have you any other documents?—Yes; I have the speech which I wrote out.

7843. Have you any other document?—I think not.

7844. Is Father Loftus here? (To Father Loftus.) Have you any resolutions of the clergy?—None.

7845. Have you any circulars?—None.

7846. Any letters?—I have.

7847. You say that you have no circular?—No.

7848. No print?—No.

7849. Will you hand me the letter which you say you have?—(The Witness handed the same to Mr. Serjeant Armstrong.)

7850. Mr. Serjeant Armstrong.] "Ballinderry, Tuam, 25th December 1871. My dear Father Loftus,—I forgot to arrange about the platform, but perhaps you have now done so. If not, my brother and I will be much obliged if you allow us to erect one early to-morrow in the chapel yard.—Yours, very sincerely, Sebastian M. Nolan." Have you any other?—Not any other.

7851. And no circular?—No circular.

7852. Have you any telegrams?—Certainly not.

7853. Mr. Serjeant Armstrong.] Have any of the gentlemen whom I have had the honor of calling this morning any telegrams? (To Father Shannon.) Have you any?—No.

7854. Mr. Serjeant *Armstrong*.] Is Father Thomas here? (To Father *Thomas*).—Have you any circulars or letters, or any resolutions?—I got a letter.

7855. Will you kindly shew me what you have?—Yes (*producing a letter*).

7856. Is it signed by anybody?—No.

7857. Have you any other documents at all?—I have no documents at all signed by any of the Nolans.

7858. Have you any resolutions?—No.

7859. Just hand me over what you have; if you give me what you have in your hand, I will select what is useful for the purpose.

The Rev. Father Thomas handed certain letters to Mr. Serjeant Armstrong.

Rev. Father *Thomas*.] There is one letter marked "private."

Mr. *Macdonagh*.] My Lord, the usual course when my learned friend does not think fit to swear and examine a witness, is to ask him to produce the documents mentioned in his subpoena, and not to pursue the unusual course of calling for a document and rejecting it.

Mr. Serjeant *Armstrong*.] I never read it. It is not authenticated by anybody.

Mr. *Macdonagh*.] I object to my learned friend asking for a bundle of documents that he may take such as he thinks fit.

Mr. Justice *Keogh*.] He may take up his subpoena, and ask this gentleman—Do you produce a resolution of such a date? No or yes, as the case may be. Do you produce another resolution of such a date? No or yes, as the case may be; and he may go through that form with every person upon whom he has served a subpoena, and if he were to do so we should probably require to look out for houses for the ensuing summer.

Mr. *Macdonagh*.] My Lord, not at all.

Mr. Justice *Keogh*.] He might go in detail through them.

Mr. *Macdonagh*.] I do not require that.

Mr. Justice *Keogh*.] The learned Serjeant seeing a bundle of papers which one of the reverend gentlemen had in his hand, said for shortness sake, "Let me see them, and I will select what are relevant."

Mr. *Macdonagh*.] My Lord, it is not for shortness sake.

Mr. Justice *Keogh*.] Then if you wish it I will make the strict rule. (To Mr. Serjeant *Armstrong*).—Confine yourself to the subpoena *duces tecum*, and ask each gentleman whether he produces what is there mentioned. From my recollection of the reverend gentleman who is now being examined, I should say that he is a very candid and frank gentleman, and is likely to produce anything that he has.

Mr. Serjeant *Armstrong* (To the Rev. Father *Thomas*).] I want you to produce all writings, placards, notices, letters, copies of letters sent to you or in your custody (*reading the subpoena duces tecum*).

Reverend Father *Thomas*.] I will produce

every document which I have in relation to the election.

Mr. Serjeant *Armstrong*.] I would rather that you should do it than say that you will do it. Will you be good enough to hand them over?

The Witness handed certain documents to Mr. Serjeant Armstrong.

Mr. Serjeant *Armstrong*.] Here is a letter, my Lord, which is as follows; it is without date:—"My Lord,—We beg most respectfully to inform your Lordship that the public meeting resolved upon at the preliminary meeting of the clergy representing the four dioceses, held at Athenry, will take place on Tuesday next, 19th instant, and your presence thereat is most respectfully requested.—*M. Hood, P.P., Edward Thomas, C.A., P. Dooley, P.P., Secretary.*"—Yes.

Mr. *Macdonagh*.] To whom is that addressed?

7860. Mr. Serjeant *Armstrong*.] There is no superscription, but it is, I suppose, to some bishop, as it says "My Lord." Here is another document, which the rev. gentleman produces. "Public meeting at Athenry. Rev. dear Sir,—We beg to remind you that the public meeting resolved upon at the preliminary meeting of the clergy of the four dioceses, held at Athenry, will take place on Tuesday next, 19th instant, at Athenry, at two o'clock p.m. You are requested to attend in person, and to use your influence in making the meeting what it should be, a decided success. *Michael Hood, P.P.; Edward Thomas, C.A.; Peter Dooley, P.P.*" That is in the form of a circular; I mean that it is in print?—Yes.

7861. This is another document, which you produce. "Athenry, November 29th, 1871. My dear Father Thomas,—I received your letter, and have written this day to all the parish priests in the deanery, except the sick priests of Abbey and Killoorra. I wrote Clifton, Killbreen, Spiddal, also Dunmore and Glunnamadoo. I am tired; now farewell. Yours, sincerely, *John O'Grady.*" This is another document which you produce. "Galway Election. Clifton, December, 1871." This is a letter from Father MacNamas. He is a parish priest, and vicar-general of Clifton. It is addressed to the Very Reverend John O'Grady, another parish priest and vicar-general. "My dear Father John,—Your ancient city is so distant from Clifton that I cannot have any sanguine hope of being present at your next great meeting. But you may be pleased to have a repeated assurance that the people and clergy of the west will be ranged on the right side on the day of contest. It is now patent that the political struggle will be between the Catholic party and the Liberal Protestants on the one side, and on the other the representatives of an intolérant oligarchy and their backers, along with recalcitrant bellow Liberals. As your last meeting wisely directed the attention of us all to the sound political doctrine that the franchise was given for the benefit of all, and not to favour individuals, much less a pitiful oligarchy; so if the Catholic and Liberal Protestant constituency of the county of Galway will allow their right to elect a representative to be usurped by the hereditary oppressors

Rev. Father
Coun.
13 April
1872.

Rev. Father
Conn.
18 April
1874.

oppressors of the people, an account of their misdoings will be exacted by the non-electors of the county at large, and the brave men all over Ireland will be shocked by the cowardly predication. Who are those who presume to select a candidate for the Catholic and Liberal county of Galway? Not to rake up now the fearful deeds of the past, nor to make particular reference to the broad, glaring fact that the patent of nobility was written for certain Irishmen in the light of the pile at which poor old Ireland received her baptism of fire, after repeated immersions in blood, I have now to deal with social delinquencies of recent date. I claim the right of asking those aristocratic dictators where they were and what their role when penalties and fetters were prepared for their calumniated fellow-countrymen? They were found on the side of coercion, and by turns they worked as puddlers in the iron-foundries of Government. Moreover, wherever fanatical raids were made by ignorant synods of Bible profaners, there the influence of our would-be political masters was thrown into the greasy scale. They acted as chairmen at meetings, and served as collectors, and endorsed the lying reports of anti-Christian societies, and thus were helpers in the double work of calumniating the faithful people of the west, and of encouraging an infamous system of blasphemy of the most sacred tenets of the Catholic faith. We in Connemara have been witnesses of their doings during the last 20 years. We have, therefore, a right to raise our indignant voices on this occasion, nor shall we be found merely mouthed, by fierce foe or malicious friend. Not content with what their impotent hatred of Catholicity enabled our masters personally to do for the sowers, they turned the Dublin reservoir, with their mud and malaria, on the Catholic soil of Connemara. The system was collapsed; hence a new channel was required to give currency to the reports concerning the wholesale conversion of the western Celts. But, by the light of impartial inquiry, it was soon found that the new trenches and the old channels were broken cisterns that could not hold the clear waters of truth. Be these our political leaders and masters? They will find to their cost that the history of older times shall not be repeated just now. If they had common sense, and if they were not blinded by the privileges hitherto enjoyed by certain classes, they would avoid flouting their flimsy pretensions to political bonnage. They should learn modesty from the signs on the political horizon. Indeed, the titled landlords of Galway ought to keep nice and quiet when they see the imperial diadem blown off the head of a great emperor. As a shrivelled leaf, caught up by an October whirlwind, is swept into some dismal corner, so that diadem, so lately glittering with glory, is consigned by popular behest to the cabinet of grotesque relics of the past. In the interest of law and order, I warn those would-be pugnacious politicians to eschew a contest with the people. I would also remind them of the Irish proverb—"then there is something in Irish, which I am sorry I cannot read;"—in plain words, as these folk know not their mother tongue, a people are sure always to prove stronger than even a lord."—This is not very epigrammatic—"I am, my dear Father John, faithfully and respectfully yours, Patrick MacMussa, Parish Priest, Vicar-General of Clifden.—Very Rev. John O'Grady,

Parish Priest, Vicar-General." This is a letter from "Edmund Thomas" to Father O'Grady. "The Presbiter, Tuam. Dear Father O'Grady,—As the Bishops have fixed on to-morrow week for the holding of the preliminary meeting at Athlery, and the Archbishop has assented to the day, you have now only to write to the priests of the diocese of Tuam, in the county of Galway, or those of them you may think proper to attend, for the furtherance of Captain Nolan's candidature in the spirit of our resolution. Faithfully yours, Edmund Thomas, &c."

Rev. Father Thomas.] That in your hand is the envelope in which one of the letters which I received was enclosed.

7852. Mr. Serjeant Armstrong.] The postmark, as well as I can see, is "November 22, Athlery."—Yes, from Father O'Grady.

Mr. Serjeant Armstrong.] We will put it in; I have read the letter.

Rev. Father Thomas.] These are three letters written in pencil; I can scarcely read them (producing the same).

Mr. Serjeant Armstrong.] These, my Lord, appear to be some trifling memoranda to refresh the memory, and I do not care about them.

Rev. Father Thomas.] They are more than that.

7853. Mr. Serjeant Armstrong.] If they are of any use we can have them; they are too disjointed for me to follow; they are like abridged notes of cases. Is that all that you have?—Yes.

7854. Mr. Serjeant Armstrong.] Is the Rev. Mr. Kirwan here?—(To the Rev. Father Kirwan.)—Will you produce your documents?—I have not the documents here, they are at my hotel.

Mr. Justice Keogh.] You are to understand that when you receive a subpoena, *duces tecum*, telling you to produce certain documents, you are not obeying the subpoena of the Court by deliberately leaving the documents at your hotel, or at home, or 20 miles off. You come here to produce documents, and having the subpoena of the Court, you might condescend to bring them with you.

Rev. Father Kirwan.] I have one private letter here.

Mr. Justice Keogh.] Go to the hotel and get the documents which you meant.

7855. Mr. Serjeant Armstrong.] Is the Rev. Mr. Griffin here?—(To the Rev. Andrew Griffin.) Do you produce any documents?—Yes—(producing certain documents).

7856. Mr. Serjeant Armstrong.] The first of these documents is nothing more than Sir Thomas Burke's first letter of the 8th of January turned into a handbill. Another document which is produced by the reverend gentleman is the Sellar's circular. (The same was handed in.) The other is what we have already in evidence, turned into the shape, however, of one of those printed affairs, a letter of Sir Thomas Burke, and subjected to it a copy of the threatening letter which was addressed to him.—(The same were delivered in.)

7857. Mr. Serjeant Armstrong (to the Rev. Andrew

Andrew Griffiths.] Are these all the documents which you have?—Yes.

7868-70. You have no resolution?—No.

7871. Not letters from either Sebastian Nolan or the Captain, particularly the circular of the 9th of January?—No.

7872. Have you any letter from Bishop Duggan?—No.

7873. Or from the Archbishop?—No.

7874. You have no other documents in fact?—No.

7875. Mr. Serjeant *Armstrong*.] Is the Rev. Father O'Grady here? (To the Rev. Father O'Grady.) Will you be good enough to let me have any documents kindred to what I have been enquiring about here?—I have not one document of any description except a private letter from a gentleman.

7876. Not from Mr. Nolan?—No.

7877. Mr. Serjeant *Armstrong*.] Is the Rev. Father Conway here? (To the Rev. Father Conway.) Have you any circulars or letters from the bishops and clergy, or any pamphlets or documents connected with this election?

(*The Rev. Father Conway produced certain documents.*)

The Rev. Father Conway.] One of those documents is a diary of the election.

7878. Mr. Serjeant *Armstrong*.] It is a clerical almanack?—You will see my handwriting.

7879. You used it to make certain entries?—Yes, I recorded the poll, and I recorded the time when Captain Nolan came, and everything connected with the election.

Mr. Serjeant *Armstrong*.] Here is a document which you produced, headed, "Father Conway and his Parishioners. From the Galway Vindicator of February the 7th;" that can be put in.

Mr. Macdonagh.] What is it?

Mr. Serjeant *Armstrong*.] It purports to be an account of a speech of the Rev. Father Conway, as well as I can understand; he produces it. (*The document was handed up to his Lordship.*)

Mr. MacDonagh.] What is the date of it.

Mr. Justice Keogh.] It is an extract from the "Galway Vindicator" of Wednesday, February the 7th; "Yesterday, after the polling had concluded, the Rev. Father Conway marshalled his parishioners," and it goes on; it is a speech and an extract at the election.—(*The same was delivered in.*)

Mr. Macdonagh.] My Lord, is this evidence?

Mr. Justice Keogh.] It is an extract from the "Galway Vindicator," containing a report of the gentleman's own speech on the day of the election, and containing other memoranda which of course you do not expect me to read. I have mentioned the first few lines in it; it is a speech.

Mr. Serjeant *Armstrong*.] The next document is headed, "Machine Printing Office of the Tuam News and Western Advertiser, Shop Shut Tuam," and it is as follows: "March 29th, 1872; Rev. Peter Conway, P.P., Headford, to the proprietors Dr., 1872, 241—1.

January 12. To 280 copies of Tuam News, sent to Mr. Quin, Headford, 2 l. 6 s. 8 d.; 130 stamped copies of Tuam News, 1 l. 7 s. 4 d.; to subscription to Tuam News for one year, ending January 12th, 1873, 10 s. 10 d.; total, 4 l. 4 s. 10. Subscription off, not being a subscriber, 10 s. 10 d., 3 l. 14 s. 0 d. April 6th, 1872. Paid by cheque, John McPhilpin." Here is another account, which is as follows: "News and Advertiser Office, Tuam, April 6th, 1872; Rev. Peter Conway, P.P., Headford; To John McPhilpin, Dr., 1872, January 12th. To 280 copies of News, 2 l. 6 s. 8 d.; 150 copies stamped, 1 l. 11 s. 6 d.; total, 3 l. 18 s. 2 d."

Rev. Father
Con,
12 April
1872.

Mr. Serjeant *Armstrong* enquired whether the Reverend Mr. Galvin had any documents relating to the election.

The Reverend Mr. Galvin replied that he had no such documents.

Mr. Serjeant *Armstrong* enquired whether the Reverend Mr. Quin had any documents relating to the election.

The Reverend Mr. Quin stated that he had no documents of any sort whatever.

Mr. Serjeant *Armstrong* enquired whether the Reverend Mr. Considine had any documents relating to the election.

[*The following letter was handed in:—*]

"Ballinderry,

"Tuam.

"26 January, 1872

"My dear Father Considine,

"I had expected to have seen you at Ballinderry yesterday. My brother was very sorry he missed seeing you at the funeral of the lamented Father Morris.

"Everything appears to go well; Trench's game is petition. I don't think he will gain much by it, as even should he succeed, which appears impossible, another brother of mine would stand at once, and my brother the major in the 17th Lancers (who never cricited a tenant even for non-payment of rent) and who holds the same views as John, would be as good a candidate.

"Yours sincerely,

"SEBASTIAN M. NOLAN."

A form of agreement for the hire of cars was handed in by the Reverend Mr. Kennedy who stated that he had no circulars.

Mr. Serjeant *Armstrong* enquired whether the Reverend Father Murray had any papers relating to the election.

The Reverend Father Murray handed in Captain Nolan's address to the electors.

[*The following letter was handed in:—*]

"Ballinderry,

"Tuam,

"29 January, 1872.

"My dear Father Murray,

"I must thank you for the great success of yesterday, nomination day, Saturday; Polling day, Tuesday. You are rather far, but it would be of great use if you came to the nomination.

"Truly yours,

"J. P. Nolan."

Mr.

Rev. Father
Ceen.
12 April
1872.

Mr. Sergeant *Armstrong* enquired whether the Reverend Mr. Murray had any circulars or copies of resolutions.

The Reverend Mr. Murray stated that he had no other papers.

Mr. Sergeant *Armstrong* enquired whether the Reverend Mr. Keville had any documents relating to the election.

The Reverend Mr. Keville handed in some documents.

[The following letter was read :—]

"Ballinderry,

"Tuam,

"17 January, 1872.

"Dear Reverend Sir,

"Excuse my importuning you with circulars but there is a great deal of work on hand. I also enclose some forms of contracts for engaging cars. If you want any in your parish I will engage any number you may say you require, and will consider them engaged for the polling day from once they are signed.

"Yours, very truly,

"*Sebastian M. Nolan.*

"The Reverend Timothy Keville."

[The following letter was read :—]

"Ballinderry,

"Tuam,

"16 December, 1871.

"Dear Reverend Sir,

"My brother, Captain Nolan, desires me to ask you as a favour to attend the meeting at Athenry on Tuesday next. Sir John Gray, M.P., and John Martin, M.P., will attend and address the people.

"Yours, very truly,

"*Sebastian M. Nolan.*"

[The following letter was read :—]

"House of Commons Library.

"My dear Father Keville.

"I fear I have not yet written to thank you for the steady energy you displayed on my behalf at the late election.

"The Home Rule members mean, I think, to have a division on the question this year, and we have called a meeting for the 9th April to determine on our course of action.

"There is not much other Irish business stirring. Indeed, very little of the time of the House is wasted upon us.

"Truly yours,

"*J. P. Nolan.*"

[The following resolutions were read :—]

The Galway Election.

Adoption of Captain John Philip Nolan.

At a meeting of the priests of the Deanery of Tuam, held on Wednesday, the 27th September, his Grace, the most Reverend Dr. M'Hale presiding, the following resolutions were unanimously adopted :—

Resolved,—"That the Land question having been brought through many difficulties to its present position, which may be regarded as an instalment of justice, by the noble efforts and sacrifices of

the tenant class, who should not be satisfied without fixity of tenure, they now need only unanimity and perseverance to secure them from a repetition of evictions for their votes which have been hitherto so disgraceful to some of the landlords of Ireland and so disastrous to the interests of its people.

Resolved,—"That to illustrate the result of earnestness and unanimity in protecting the freeholders from injury on account of their suffrages, we need but refer to the recent elections of Meath, Westmeath, and Limerick, as signal for the peaceful triumphs that crowned the prudent courage of the freeholders, not only in returning the candidates of their choice, but likewise in disarming all opposition on the part of the landlords, who, to their credit, have at length acquiesced in the conclusion that the tenants were only exercising a just right guaranteed by the constitution, which the landlords themselves so much admire.

Resolved,—"That we are confident such encouraging examples will not in the present crisis be lost on the people of this great county, who, on a memorable occasion, not yet remote, set a similar patriotic example to other constituencies mustering at the county election in Galway in such force and numbers in favour of the late Captain Bellew, the popular candidate, as to dissuade their powerful opponents from engaging a hopeless contest, which was sure to result in their discomfiture.

Resolved,—"That with this lively recollection of their past triumphs, when the exercise of the franchise was not free from danger, the tenant class cannot be such fools to their own interests as now to court the re-imposition of the old ignominious landlord yoke, when, owing to the Land Act, however imperfectly, they can exercise the franchise with the entire security. They cannot, therefore, fail, in their own defence, to return Captain Nolan, the candidate who, in a manner so peculiar and so unprecedented he nobly identified himself with the fixed and permanent interests of the tenantry, thus advocating tenant-right in the sound and genuine sense of the term, not of a mere pality and evanescent compensation, but of a continued reciprocal interest in the land, representing the two sources from which the value of tenancies generally flows, and awarding to the injured tenant restitution to his farm, the only adequate compensation for the injury; and, in case that were impracticable, a full measure of reparation for the wrong.

Resolved,—"That without the practical recognition of the right of the freeholders to vote for the candidate of their choice, the boasted adoption of the Home Rule pledge is naught but a delusion and a snare; that the first and strongest link in the chain of a Home Rule policy is the complete and uncontrolled freedom of individual voting, which, when in full operation, will lead to all the other important national measures in its train, creating almost in every county in Ireland an overwhelming majority in favour of their own just interest; the tenantry will not fail to demand, as an act of simple justice, the restoration of their native Parliament, illustrating, as it did before the union, the benefits of national rule in the extraordinary prosperity of Ireland during the eighteen previous years, notwithstanding its real or imputed corruption, and

in its restored condition exercising its co-ordinate right of negotiating with the English Parliament concerning those high Imperial questions common to both, with the same Crown of such long-standing, sufficiently waiting Ireland and England. This unquestionable right of the people of Ireland to the restoration of their native Parliament, of which a continuation of force and fraud had deprived them, is further confirmed by the necessity of the measure, since the first of English statesmen has recently confessed that with the overwhelming and continually increasing mass of business, it is impossible for the Imperial Parliament satisfactorily to deal.

"Very Rev. John O'Grady, P.P.

Rev. John Cavanagh, P.P.
Rev. Patrick Duggan, P.P.
Rev. Peter Conway, P.P.
Rev. Peter Waldron, P.P.
Rev. John McGough, P.P.
Rev. John J. Noone, P.P.
Rev. James McGee, P.P.
Rev. David Mylotte, P.P.
Rev. Patrick Heany, P.P.
Rev. Austin O'Dwyer, P.P.
Rev. Patrick Lyons, P.P.
Rev. James Grogan, P.P.
Rev. Thomas Hadden, P.P.
Rev. Edmund Thomas, C.C.
Rev. William Joyce, C.C.
Rev. Timothy Keville, C.C.
Rev. Richard Prendergast, C.C.
Rev. James Henneelly, C.C.
Rev. John Barrett, C.C.
Rev. Patrick Grealley, C.C.
Rev. James Stephens, C.C.
Rev. Thomas Hosty, C.C.
Rev. Peter Grogan, C.C.
Rev. John McGreal, C.C.
Rev. Patrick Kilkenny, C.C.
Rev. James Roumyne, C.C.
Rev. John Flintley, C.C."

The clergy of the great and important diocese of Kilmacduagh met in conference on the 6th November, the bishop of the united diocese, being in the chair, and unanimously adopted resolutions, pledging themselves to support Captain Nolan.

The Clergy of the diocese of Galway met in conference on Thursday, November 16th, the Bishop of Galway presiding. The meeting unanimously adopted resolutions in support of Captain Nolan, the candidate for the county.

Annexed is the letter apprising Captain Nolan of the resolutions adopted at the conference of the 16th:—

"College House, Galway,
"November, 23.

"Dear Captain Nolan,

"I feel very great pleasure in informing you that at a meeting of the priests of this diocese, assembled at conference on the 16th instant, it was resolved to support you by every legitimate means at the forthcoming election of M. P. for the county of Galway.

"I have the honour to remain, &c.
"P. Dooley, P.P."

[The following letter was read:—]

"Ballinderry, Tuam,
"26 December, 1871.

"My dear reverend sir,
"My brother, Captain Nolan, desires me to ask you, as a very great favour, to attend the public meeting in Tuam on Saturday next, and to be so very kind as to request your parishioners to attend.

"Yours very truly,
"Sebastian M. Nolan."

[The following letter was read:—]

"Ballinderry, Tuam,
"9 January, 1872.

"My dear Father Keville,
"There will be a large public meeting at Mount Bellew on Sunday next, to support my candidature. I hope you will announce the fact, and induce as many as possible to attend.

"Very truly yours,
"J. P. Nolan."

[The following circular letter was read:—]

"Public Meeting at Athenry.

"Rev. dear sir,

"We beg to remind you that the public meeting resolved upon at the preliminary meeting of the clergy of the four dioceses, held at Athenry, will take place on Tuesday next, 19th instant, at Athenry, at 2 o'clock p.m.

"You are requested to attend in person, and to use your influence in making the meeting, what it should be, a decided success.

"Thomas Head, P.P.
"Edward Thomas, C.C.
"Peter Dooley, P.P."

[The following letter was read:]

"Ballinderry, Tuam,

"My dear reverend sir,

"I have the honour to inform you that the nomination day is fixed for Saturday, the 3rd day of February; the polling will take place on the 6th day of February; the hours of polling are from 8 a.m. to 5 p.m. The voters in the parish of Abbeymuckmoy, in the barony of Tyraguin, poll at Tuam. Committee and tally rooms have been taken on behalf of Captain Nolan at my office in Tuam, and at Mr. Gunley's. This is the place where the voters ought to go immediately on entering the town. They will there be given voting cards, if they have not previously received them through the post. On each card there will be the name of the voter and his number as it appears on the polling books and voting lists. The receiving of a card is not necessary to enable a voter to vote, but only given to facilitate his giving his vote on entering the booth. There will be different polling booths for each barony. The necessity of voters arriving at an early hour for the purpose of voting is urgently impressed. This is the first occasion a contest has taken place in the county of Galway since the time for voting has been limited to one day. The urgent necessity of being in town early to poll is urgently represented. It is important that you should be in Tuam as early as possible.

"Yours very truly,
"Sebastian M. Nolan."

Rev. Father
Keville.
—
12 April
1872.

Rev. Father
Cox.
17 April
1872.

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. Hosty had any documents relating to the election, and especially a circular of the 9th of January, from Mr. Sebastian Nolan?

The Rev. Mr. Hosty stated that he had only one paper, which he produced.

[The following letter was read:—]

"Ballinacorney, Tuam,
"29 January, 1872.

"My dear Father Hosty,

"The nomination day is fixed for Saturday next, the 3rd February, and the polling day for Tuesday week, the 9th February. Pray excuse my reminding you that the enemy's game is petition, and that nothing would injure us more than giving any drink or refreshment to a voter.

"Yours very truly,
"Sebastian M. Nolan."

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. Mylotte had any documents relating to the election?

The Rev. Mr. Mylotte stated that he had no documents whatever.

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. Lyons had any documents relating to the election?

The Rev. Mr. Lyons produced a list of electors, similar to others which had been handed in.

[The following letter was read:—]

"Law Life Assurance Office,
"Fleet Street, London, E.C.
"24 August 1871.

"Sir,

"I read to the directors at their meeting yesterday, your letter of the 18th instant, and we desired to state that the society never has allowed, and never will allow the material prospects of any tenant to be affected in consequence of any vote given at a Parliamentary election.

"I remain, sir,

"Your obedient servant,

"G. Davies,

"John P. Nolan, Esq.

"Actuary.

"Ballinacorney."

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. McGee had any documents relating to the election?

The Rev. Mr. McGee stated that he had had no summons.

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. Arthur had any documents relating to the election?

The Rev. Mr. Arthur stated that he had no such documents.

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. Stanton had any documents relating to the election?

The Rev. Mr. Stanton stated that he would bring what documents he had with him to-morrow.

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. Manning had any documents relating to the election?

The Rev. Mr. Manning stated that he had no documents connected with the election.

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. Bodkin had any documents relating to the election?

The Rev. Mr. Bodkin handed in some documents.

[The following letter was read:—]

"Ballinacorney, Tuam,
"2 February.

"My dear reverend sir,

"I have received your very kind of the 1st instant. I have written to Michael Larkin to employ as many cars, &c. in the manner I before mentioned, as you require, or think necessary. I have employed seven cars at Loughrea through Mr. Joyce, solicitor, and I have written to him to send them to you. Please see that Larkin visits Mr. Joyce at once, and see that all the car arrangements, &c., are complete. I will give 3s. a day to every messenger you deem it necessary to employ. Everything is up to this very quiet in the town of Galway; all seem appear in our favour. It is most necessary, however, to poll every vote, as our majority would depend the possibility of a petition. Besides the election has become a national as well as a county demonstration.

"Yours very truly,
"Sebastian M. Nolan."

[The following letter was read:—]

"19 February
"House of Commons Library.

"My dear Father Bodkin,

"Permit me to thank you for your most efficient aid at the late election. You had a most difficult district to deal with, and managed it admirably.

"Very truly yours,
"J. P. Nolan."

Mr. Serjeant *Armstrong* inquired whether the Rev. Mr. Kirwan had any papers relating to the election?

The Rev. Mr. Kirwan handed in some papers.

[The following letter was read:—]

"Ballinacorney, Tuam,
"31 January 1872.

"Dear Father Kirwan,

"I trust you will attend at Galway Court House on the nomination day, now fixed for Saturday, 10 a.m.; and that you will aid me by your countenance.

"Believe me, truly yours,
"John Philip Nolan."

[The following letter was read:—]

"Feb. 7, 1872.

"Dear Father Kirwan,

"I have to ask you to do a little commission for me, namely, to procure a copy of the list of voters, on yesterday, for the three baronies of Kilmacoll

Kilcumell, Killias, and Clonsmacnois; voters for and against Captain Nolan, especially the latter. This is for my information, generally and particularly.

"I find that my expectations of a majority for our man have been almost literally verified, for, without the return from Clifden, it seems we have within 80 men of 2,000, the figure at which I estimated the result in our favour.

"Next Sunday, I hope, will be devoted everywhere in our chapel to a well earned thanksgiving to our noble tenant farmers. And a prayer that God would bless the cause, and bless the people.

"Haste for Nolan."

"Ever yours,

"John Healy.

"Let me hear a word in reply, and give me the latest and correct information about the election."

[The following circular was read:—]

"To the electors of the County of Galway.

"Fellow electors,

"At the request of His Grace the Archbishop of Tuam, I have withdrawn from contesting the seat vacated by the resignation of Lord Burke.

"I return my most sincere thanks to all those friends who had promised me their support, and assure them that, up to the eve of the nomination day, every preparation had, on my part, been taken to render the contest a success; but, as a Catholic, I have considered it my duty to retire for the present, at the request of the great Prelate of the West.

"Knowing, from a personal canvass, that the principles contained in my address are those held by the vast bulk of the electors, I will, at the next opportunity, confidentially seek your suffrages.

"Your most obedient servant,

"John Philip Nolan.

"Monday the 20th of Feb., 1871."

[The following printed letter was read:—]

"Loughrea,

"January 18th, 1872.

"Rev. sir,

"I am instructed by the most Rev. Dr. Duggan to enclose resolutions adopted at the meeting of the clergy here on yesterday. The unanimous desire of the clergy, also, was, that his Lordship would request all the priests of his diocese to explain to their flocks, on next Sunday, the rights and responsibilities of the electors in exercising the franchise in the coming election; that it is a trust vested in them for the benefit of the people at large, and not to be used for private or personal purposes, but without fear or favour, according to the dictates of each man's conscience. His Lordship, therefore, expects that in this crisis, where the intention is explicitly avowed to crush 'priestly dictation,' the parrot cry of the advocates of revolution and communism, no clergyman will be found apathetic or indifferent. His Lordship is fully confident that the people will fearlessly sustain the united prelate and priesthood of this great Catholic country.

"I am, rev. sir,

"Your obedient servant,

"John Sellers, C.A."

Mr. Serjeant Armstrong inquired whether the Rev. Mr. Dealey had any documents relating to the election?

The Rev. Mr. Dealey handed in some documents.

[The following letter was read:—]

"Ballinacorney, Tuam,

"29th January, 1872.

"My dear Father Dealey,

"I trust you will attend at Galway Court House on the nomination day, now fixed for Saturday, 3rd February, 10 a.m., and that you will aid me by your countenance.

"Believe me,

"Very truly yours,

"John Philip Nolan."

[The following letter was read:—]

"Ballinacorney, Tuam,

"29th January, 1872.

"My dear rev. sir,

"On examining the circular spoken to you about by my brother, yesterday evening, I find that the price of the carts is not stated. The price given for cars is alone stated.

"All through the county we have been giving 7s. 6d. or 10s. 6d. only for carts for the polling day. We do not think it would be legal to give as much as 1l. 5s. for carts, as that sum is far above the average price of carts. We are, however, willing to give two days' hire for carts, at 7s. 6d. per day, on account of the length of the distance. As a rule, we have only hired carts where cars could not be had. I trust you will remove any misunderstanding which may exist in your parish on account of the confusion between cars and carts. We regret it much, but we do not like to give different prices. We prefer the cars of non-electors, but where these are not to be had the cars of electors will do. I can send you, by return of post, as many return tickets to Tuam or Ballinacorney as you have voters who wish to go by train.

"I can send you some cars from Tuam and Ballinacorney. Please let me know how many you want; but local cars are better, as they are sure to bring back the voters. Carts can be engaged to go to Woodlawn Station with as many voters as desire to go by train. The nomination day has been fixed for Saturday next, the 3rd February, and the polling day for Tuesday week, the 6th February.

"Yours truly,

"Sebastian M. Nolan.

"P.S.—Any voters going by train must catch the early car."

Mr. Serjeant Armstrong inquired whether the Rev. Mr. Faby had any documents relating to the election?

The Rev. Mr. Faby handed in some documents.

Rev. Father
Coen.
12 April
1872.

[The following letter was read :—]

"Ballinacorney, Tuam,
"26 January, 1872.

"My dear Father Faby,

"My brother and I are extremely obliged to you for the great trouble you have taken in getting the resolutions passed, which are most useful. They will appear in to-morrow's 'Tuam News,' and I shall send you 50 copies.

"You will see the extenuation of the noble baronet in the paper.

The sub-sheriff says the nomination day will be on Thursday next. I scarcely think it will be so near.

"The Sheriff has the option of having the nomination day from 4 to 12 days after the receipt of the writ, which he will probably get on Sunday next, and the polling day between two and four days after the nomination day.

"Yours sincerely,
"Sebastian M. Nolan."

[The following letter was read :—]

"Ballinacorney, Tuam,
"1 March 1872.

"Dear Father Faby,

"Mr. Higgins and I will call on you at about five o'clock on Monday next to have a talk about the petition.

"Yours very truly,
"Sebastian M. Nolan."

A printed circular was handed in with the following manuscript note upon it :—

"I hope you have got the four sets of lists I sent you. I shall send you another to-morrow."

[The following letter was read :—]

"Ballinacorney, Tuam,
"31 January, 1872.

"My dear Father Faby,

"Ours will appear in 'Tuam News.' I will send you 50 copies. The editor says he sent you two hatchets of 50 and 30 of Friday's edition. In haste,

"Yours very truly,
"Sebastian M. Nolan."

[The following letter was read :—]

"Ballinacorney, Tuam,
"31 January, 1872.

"My dear Father Faby,

"I have the honour to inform you that the nomination day is fixed for Saturday, the 3rd February. The polling will take place on the 6th day of February. The hours of polling are from 8 a.m. to 5 p.m.

The voters in the parish of Kinvara, in the barony of Dunkellin, poll at Galway. Committee and Tally rooms have been taken on behalf of Captain Nolan, at Michael Hughes', in Galway, the rooms which Mr. O'Flaherty had.

This is the place where the voters ought to go immediately on entering the town. They will there be given voting cards if they have not previously received them through the post.

"On each card there will be the name of the voter, and his number as it appears on the polling books and voting lists. The receiving of a card is not necessary to enable a voter to vote, but only given to facilitate his giving his vote on entering the booth.

"There will be different polling booths for each barony.

"The necessity of voters arriving at an early hour for the purpose of voting, is urgently impressed.

"This is the first occasion a contest has taken place in the county of Galway since the time for voting has been limited to one day.

"The urgent necessity of being in town early to poll is urgently represented. It is important that you should be in Galway as early as possible.

"Yours sincerely,
"Sebastian M. Nolan."

[The following letter was read :—]

"18 January 1872.

"My dear reverend sir,

"I have received your letter of the 19th, for which I am much obliged. My brother and I are delighted to hear of your success, especially as St. George always boasted that he could get his tenants to vote which way he liked, and that if the other landlords exerted themselves they could do the same. I shall be happy to get a covered vehicle for the voters you mention. I suppose £1 10 s. would be a fair price, and that they would send you one from Ennis, or some place in Clare.

"I shall be happy to pay all the legitimate expenses of an election, but as the other side's game is petition, we must be extra cautious about guarding against the possibility of treating a voter as treating is forbidden by Act of Parliament. I shall be in Gort to-day, and if possible, have the pleasure of calling on you.

"Yours very truly,
"Sebastian M. Nolan."

I am much obliged for your taking the trouble to employ Mr. McSweeney for me."

Mr. Sergeant Armstrong stated that with the exception of those gentlemen who had promised to attend at the court with documents to-morrow, the clergymen who had been subpoenaed need not consider that their attendance was longer required on the petitioner's behalf, and that if they liked to stay in Galway it must be, of course, at their own expense.

Mr. Sergeant Armstrong inquired whether Mr. Macdonogh would admit that the Rev. Mr. Coen mentioned in Mr. O'Flaherty's evidence yesterday was the Rev. Patrick Coen?

Mr. Macdonogh said he would admit that it was the same gentleman the Rev. Patrick Coen, of Killisland, near Loughrea.

The short hand writers notes of Mr. O'Flaherty's evidence were amended accordingly.

Mr PATRICK MANGAN, re-called; Examined by Mr. Serjeant Armstrong.

7883. HAVE you the accounts of the "Weekly News" and the "Nation"?—Yes (*handing Papers to the learned Serjeant*).

Mr. Serjeant Armstrong said he thought it right to state that the accounts furnished

showed that the charges in the accounts of the "Weekly News" and the "Nation" were for advertisements, and not for publishing special articles, or for mere reports.

Mr.
P. Mangan.
Bart.
18 April
1875.

Constable JAMES KINAHAN, sworn; Examined by Mr. Murphy.

7881. WERE you on duty at Loughrea on the 25th January last?—I was.

7882. Do you know Pat Barrett?—I do, well.

7883. Did you see him posting any placards that day?—I did.

7884. Did you see him posting them at more places than one in the town?—No, I did not.

7885. After he posted some of them, did you go over and read them?—Well, I did; I read some of them.

7886. Were they Captain Nolan's?—They were.

Mr. Macdonagh.] Will you be good enough to tell us the contents of them.

7887. Mr. Murphy.] Do you recollect the placard from beginning to end?—I do not; I only saw them posted.

7888. What was it about?—I cannot exactly say what the contents of them was.

7889. What was the substance of it?—I do not know.

7890. Why did you say it was Captain Nolan's?—

Mr. Macdonagh.] He did not say it was Captain Nolan's?

Witness.] I said it was headed "Captain Nolan."

7891. Mr. Murphy.] Did you read it?—I read some of it.

7892. Was it in praise of Captain Nolan, or in praise of Captain Trench?—Well, I cannot say; but it is my opinion it was running down Mr. Trench—ridiculing Mr. Trench.

7893. In what part of the town did you see this bill posted by Pat Barrett?—In the main street.

7894. Had you seen Barrett on any other occasions in Loughrea?—Not for a length of time before that.

7895. Did you at that time, about the month of January, on any other occasion, see him at Loughrea?—I did not.

7896. Were you on duty at Loughrea on the polling-day?—I was.

7897. How far is Loughrea from Athlery?—Eight miles.

7898. Did you see Barrett at Athlery Station at any time?—I did not.

7899. Who is the head constable at Athlery?—Head Constable Price.

Cross-examined by Mr. Macdonagh.

7900. Where were you stationed in the month of January 1872?—At Loughrea.

7901. Were you there during the whole of the month?—I am, for the last five years.

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7902. And you were there, of course, on the day of the polling?—I was; I was on duty at the Courthouse.

7903. You did not take any extracts from the bill, whatever it was, which Barrett thought fit to post?—I did not.

7904. You cannot tell me the subject of it?—No.

7905. Were you on duty the whole day at Loughrea during the polling?—Yes, until about six o'clock; from seven in the morning till six in the evening.

7906. Were you at the Courthouse?—I was outside the Courthouse.

7907. Where the polling was going on?—Yes.

7908. Did you see the votes of Captain Trench coming in?—Well, I did. I saw about 20 or 30 voters coming up with Lord Dunlo. That is all the voters I saw belonging to Captain Trench on that day, to my knowledge.

7909. At about what hour did those 20 or 30 voters come up with Lord Dunlo?—They followed him; he was riding on a horse before.

7910. Were they riding?—No.

7911. Were they on cars?—They were walking.

7912. And Lord Dunlo was riding?—Lord Dunlo was riding on a horse.

7913. Where did they come from?—They were the neighbours about where Lord Dunlo resides.

7914. His Lordship resides at Gashally?—Cooreen is the name of the townland.

7915. Is that near Loughrea?—Within about a mile of Loughrea.

7916. About what hour of the day did they come in?—At about half-past nine in the morning.

7917. Did you see them enter the Courthouse in order to be polled?—He had tally-rooms up between the Courthouse and the barnack, and they went up to the tally-room.

7918. He brought them directly up to the tally-room?—Up to the tally-room.

7919. That was before the poll?—I suppose so; I cannot tell any more about it.

7920. Had they any escort of either dragoons or infantry?—No; I believe not. At the time I saw them they had not.

7921. You were engaged there from six o'clock in the morning till seven o'clock in the evening?—From seven o'clock in the morning till about six o'clock in the evening.

7922. Have you been at former elections in this county?—Not for this length of time. I was at one; I was clock clerk at one.

7923. Was that Mr. Mitchell Henry's?—No.

7924. Was it Lord Dunlo's former election?—No.

G o

7925. It

Constable J. Kinahan. 7925. It was one of Mr. Gregory's elections, probably?—I was here in this town at an election.

12 April 1870. 7926. Who was the gentleman in charge of the polling place, who was taking the votes?—Where?

7927. At Loughrea on this occasion?—I do not know.

7928. Was not everything quiet during the day at Loughrea for an election time?—Well, there were some rows.

7929. I suppose there never was an election yet without some disturbance; but you did not make prisoners?—No, I did not; not during the day.

7930. You were there from seven o'clock in the morning till six o'clock in the evening, and you did not see any of the voters prevented from going in to vote; is not that the fact?—Well, I did not.

Re-examined by Mr. Murphy.

7931. Do you mean to convey that things were quiet in Loughrea on that day?—Well, they were; there were some skirmishes in the evening.

7932. Was there a large crowd or mob there that day?—There was; I saw that there were some roughs.

7933. Were they all on one side?—I cannot say.

7934. You were a constable stationed in Loughrea on that day?—I was.

7935. Did you hear a man shout for Captain

Trench on that day, or make any noise or disturbance?—I heard several shouting.

7936. For whom?—For Captain Nolan.

7937. Did you hear a single cry in opposition to him at all?—Well, I did not.

7938. You say that you did not make any arrests during the day; when did you make the arrests?—I made none.

7939. Did you see them made?—I did not.

7940. Did you see voters coming in from Woodford on that day?—No.

7941. Did you see voters coming in under large escorts?—They might come in unknown to me; I was on duty at the Courthouse.

7942. Were you under arms there?—I was.

7943. Had you a large body of constables and of the military there too?—There were.

7944. Did you see any persons pelted and hooted at all in going away after polling?—I did.

7945. Plenty of them?—Yes.

7946. Did you hear a single word of offence given to anyone who voted for Captain Nolan, or acted on his behalf?—I heard several hooted who were voting for Mr. Trench, by the lower mob; Mr. Seymour was one.

7947. We have had evidence enough of that; but did you hear a single person who voted on behalf of Captain Nolan offended in any way by word or deed?—I did not.

7948. All was quiet and peaceful on the one side, was it not?—Well, I think so.

[The Witness withdrew.]

Constable JOHN PENNY, sworn; Examined by Mr. Parnes.

Constable J. Peasey. 7949. Do you remember the Thursday before the election?—I do.

7950. Where were you stationed?—In the town of Loughrea.

7951. Do you remember seeing Patrick Barrett there on that day?—I saw Patrick Barrett on the 25th January.

7952. Pat Barrett of Athenry?—Yes.

7953. Was he making a speech?—He was.

7954. Was there a crowd assembled?—There was.

7955. Do you remember the speech he was making?—It was on behalf of Captain Nolan.

7956. Do you remember any of it?—I do not.

7957. Did you tell him to move on?—I did.

7958. I believe that he made use of an offensive expression to you?—He did.

7959. You need not mention what it was; did he move on or go away?—He did not move on, and I went on down to the barrack then for men

to make him do so; and when I returned with the men he moved from off the main street down to Dunkellin-street. The people had partly separated by this time; and when he saw that I returned with a sufficient number of men, he kept himself quiet, and went away shortly afterwards.

7960. Did you see him any more on that day?—No; I did not go on duty until 3 o'clock; I was on patrol; I went down the town at 3 o'clock.

7961. Do you remember the speech which he was making in favour of Captain Nolan?—I could not say anything about what he was talking about.

Cross-examined by Mr. Macdermot.

7962. Were you on duty on the day of the polling?—I was.

7963. At the Courthouse?—Yes.

[The Witness withdrew.]

Constable NICHOLAS MADIGAN, sworn; Examined by Mr. Sergeant Armstrong.

Constable N. Madigan. 7964. WERE you on duty at Ballinasloe on the day of the largest election meeting there?—Yes.

7965. Did you see Pat Barrett of Athenry there on that day?—Yes, I did.

7966. You know the man I mean?—Yes, I do.

7967. Did you see him either saying or doing anything?—Yes.

7968. What was it?—As the band of Tuam, as I was informed, came into the town playing he marched in front of it.

7969. He marched in front of the Tuam band?—Yes, quite convenient.

7970. He was marching in front of a band which you understood was the Tuam band?—Yes.

7971. What was he doing?—When he came in front of the constabulary barrack where I am stationed, he took off his hat in front of the barrack, and cheered with it in his hand, and cheered for Nolan, and "to hell with Trench!"

7972. Was

7972. Was anything further said of a complimentary sort?—After that being over he returned back, and he saw me standing out at the barrack door; he came to me and said, "Don't be angry with me; you know me a long time; I am well paid by Captain Nolan for this; he promised me plenty of money, and to give me a farm of land better than I was dispossessed out of by my Lord Clanbrock."

7973. Had the band ribbons on them?—They had.

7974. Green ribbons?—Green; large green sashes.

7975. Were they playing party tunes?—"Patrick's Day," generally.

7976. Had Barrett any ribbons?—He had a small green leaf in the side of his hat.

7977. He had no pole in his hand, as drum-major, had he, or anything of that kind?—I did not remark that.

Cross examined by Mr. Macdonogh.

7978. So you regard "Patrick's Day" as a party tune?—On behalf of the Roman Catholics, I always heard that it was.

7979. Are you a Roman Catholic?—I am.

7980. And you think "Patrick's Day" is a party tune?—It is considered so on the other side.

7981. What is the other side?—The Protestant side.

7982. It is thought to be a party tune?—So I heard.

7983. Were you ever in the theatre in Dublin when the Lord Lieutenant was present?—No; never.

7984. You never heard "Patrick's Day" played immediately after "God save the Queen"?—I always did.

7985. You always heard "Patrick's Day" played in connection with "God save the Queen"?—I just give it as my opinion.

7986. What is your opinion?—"That "Patrick's Day" was a party tune.

7987. That which they played in connection with "God save the Queen"?—Yes.

7988. That is your notion. Now, as to this Mr. Pat Barrett; he said that you knew him a great many years?—Yes.

7989. Is that true?—I knew him for the last eighteen years.

7990. You and he are old acquaintances?—I make a mistake in saying eighteen years; for the last fourteen years.

7991. You remember, of course, the origin of your acquaintance with him, fourteen years ago; where did you form the acquaintance of Pat Barrett?—In the village of Ahascragh.

7992. What was he there?—He was a farmer.

7993. Were you a policeman?—Yes.

7994. Fourteen years ago! and you have not been promoted yet?—I am a policeman for the last twenty-five years.

7995. A quarter of a century, and no promotion?—

Mr. Murphy.] I beg your pardon; he is an acting constable; he is a sergeant, like my learned friend.

7996. Mr. Macdonogh.] I sincerely hope you will receive further advancement, and more rapid promotion; so Barrett was a farmer?—Yes.

7997. Where was his farm?—His farm was in

the townland of either Chapel Finerty or Clonkellin.

7998. How many acres had he?—He had about forty or fifty, I believe.

7999. When was he evicted?—About ten years ago; I take no notice of those things.

8000. Was he a decent farmer when you knew him first?—Very.

8001. A very decent farmer?—He was.

8002. Was he then Lord Clanbrock's tenant, when he had the forty acres?—He was, I believe.

8003. After he was evicted about ten years ago, what did he turn himself to?—He went as a herd?—He turned himself to jobbing, I think.

8004. Jobbing in cattle?—Jobbing.

8005. Was that going from fair to fair, and from market to market?—Yes.

8006. But you continued afterwards to know him during those ten years?—I knew him during that time, and saw him several times since.

8007. I suppose he would naturally wish to stand well (I presume so, though I do not know anything about the man) in your estimation?—I do not know.

8008. Had he not a respect for you?—He always spoke very friendly to me.

8009. You respected him when you knew him first?—I always respected the man up to a certain period.

8010. It appears that the band were playing "Patrick's Day" in the morning?—Yes.

8011. Where they boys, young people?—Young and old.

8012. Were there boys of 12, 14, and 15 years of age amongst them?—Younger and older.

8013. Did you inquire what band it was, and where it came from?—I did not make any inquiry; but I heard it was the Tunn band.

8014. Were they playing well?—Just middling.

8015. Had Barrett anything in his hand?—I assure you I did not remark it more than what he had when he took off his hat in his hand and cheered in front of the barrack.

8016. You did not see anything in his hand?—Nothing in his hand.

8017. And then it was "A cheer for Nolan, and to hell with Trench"?—Yes; it was "A cheer for Nolan, and to hell with Trench."

8018. Were you at many elections?—I was.

8019. I will engage you have often heard a crowd say "To hell with" a candidate who was not popular?—Very frequently.

8020. That is a very favourite expression; I know it is sending a man a little far down, but I cannot help it. It was cheering for Nolan and "to hell with Trench"?—That was the expression, and it was followed by a cheer by the mob.

8021. Are you quite sure that your old friend Pat Barrett (the man that I suggested wished to stand well in your estimation) said; "Don't be angry; I am well paid for this by Captain Nolan; he will give me a better farm than I was dispossessed of by Lord Clanbrock, and lots of money"?—I could not forget the expression.

8022. But he was thinking of still regaining his position as a farmer, and he said that Captain Nolan promised him that?—I really do not know what he was thinking of.

8023. But was it not by way of excusing himself to you when he said to you, "Don't be angry with me now"?—I thought so.

8024. So

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N. Madigan.
12 April
1875.

Constable
N. Madhysen.

12 April
1872.

8024. So do I. As to its truth or falsehood you knew nothing?—I know the truth of what I am stating.

8025. I do not for a moment suggest the contrary. What I am saying, is that you did not know the truth or falsehood of what he said?—Really not.

8026. Were you stationed at Ballinasloe on the day of the polling?—I was.

8027. Were you stationed at the Courthouse?—No.

8028. Where were you?—I was stationed in the main street of Ballinasloe during the day, with the exception of the short time that I was one of the party who escorted Mr. Allen from Miss Bulfinch's to the front gate of Lord Clancarty's.

8029. Was he a voter?—Yes.

8030. How far is the gate of Lord Clancarty's from Ballinasloe?—About an Irish mile from the town.

Re-examined by Mr. Sergeant Armstrong.

8031. Did you see Mr. Crawford Allen getting a polling in Ballinasloe?—I did; during the escort I got the stroke of a stone on my arm myself.

8032. Therefore do you think that the escort was very necessary?—Quite necessary; so much so that we had to draw swords.

8033. Was there any mob that you could see on the Trench side?—Not one.

8034. You were asked whether it is a common thing to hear at election times these denunciations about sending people to hell. Did you ever hear a priest from the altar telling the people that they would go to hell if they voted in a certain way?—Never.

Mr. Macdonogh objected to this evidence. 8035. Mr. Sergeant Armstrong (to the Witness). You say that Pat Barrett was excusing himself; was he excusing himself on the ground that he was only hired to do it?—I considered that it was from what was promised to him that he excused himself to me.

8036. How long is it since you ceased to respect him; you say that you respected him up to a certain time?—That is the time that his son was in misfortune.

8037. I believe he is a man a good deal attended to by the police since?—Yes.

[The Witness withdrew.]

After an Adjournment,

Mr. JOHN WILLIAM BROWN, sworn; Examined by Mr. Sergeant Armstrong.

Mr. W.
J. Brown.

8038. I BELIEVE you reside at Clonkelly in this county?—I do.

8039. In what district of the county is that?—Ballinore and in the parish of Wynn.

8040. Was Ballinore the voting place for your district?—No.

8041. What was?—Tusam.

8042. Were you in your own house at Clonkelly the night before the polling?—I was.

8043. That would be the night of the 6th of February?—No doubt it was.

8044. I believe after you retired to rest that night something of a very unpleasant character occurred?—It did.

8045. Was there any friend or acquaintance of yours staying at your house?—There was.

8046. Who was it?—Mr. James Brown.

8047. Had you retired to rest at the time of the matter which you are going to mention to me?—I had, about an hour, I think.

8048. Will you inform his Lordship what happened. About what o'clock would that be?—I think that it was about 12.

8049. State what you heard?—I was awake, and I heard a great noise. I did not know what it was, and though I had a light in the room, unfortunately it did not give much light at the time. I thought it was something which fell off the chimney-piece, or that the chimney fell down. I was looking about, and I then perceived a great deal of smoke.

8050. Did you get up?—I did.

8051. Did you load your gun?—No; I do not think that there was a gun in the room that night.

8052. You got up after smelling the powder, and did you then look about the room and see what had happened?—I did not, but I went immediately to Mr. James Brown's room, which was some rooms off me in the same direction. I was so confused that I did not know where I was,

and he told me where I was, and he led me into his room. Then I told him that I suspected that I had been fired at, for that my room was all knocked about with broken glass, broken delf, and broken sticks, and the candlestick knocked off when I left it when I was going to bed, and then he looked about and he said "I have been fired at too," I said, "Did you hear it?" I think he said that he did not. I did not hear two shots; I only heard one shot. He then saw that his window was broken, and that a shot had been fired, and we examined the wall and we saw a bullet in the wall.

8053. In his room?—In his room; and the glass was smashed.

8054. Did it come through the window?—Yes.

8055. Describe all that you saw in his room?—I saw that his window was broken, and that the glass on the table opposite was shot through by the bullet.

8056. That is, a looking-glass?—Yes. I then went and examined my room, and examined what was done, and we found then where the shot came in through the window and the shutter, and the candlestick was cut in two (it was a plated candlestick), and there was the sign of a bullet on it, and it was exactly where I was sleeping. Some of the shot came under my pillow; some of the shot came in the window curtains, and some of the shot smashed everything about. The whole room was strewed with pieces of broken china and delf.

8057. Having ascertained that you had been fired at in that way, did you call up any of your people?—I did. I went then to my steward's house; the steward's house is in the yard.

8058. What is his name?—Mr. James Graham. I called him up, and told him that I had been fired at; he came up, and after some time, we looked

looked about, but we could not see anyone; it was a dark night. We afterwards looked.

8059. Did you proceed to make any search about?—We did. I did not myself, because I was not well. I was laid up with the gout. Mr. James Brown and the steward went out, and they saw nobody.

8060. They saw nobody at that time?—At that time.

8061. Was there a search made about the place and yard?—There was, but I did not make it.

8062. Do you recollect Pat Kenny, one of the servants, being up?—He was not up until after the firing.

8063. But he got up afterwards?—He did.

8064. I suppose that the whole establishment was startled, and everybody in the house got up?—Yes.

8065. Was anyone sent for the police?—There was. I told Mr. Graham to go down to Glan, and report the outrage to the police.

8066. Did he leave for that purpose?—He left for that purpose, taking a servant with him, as he did not like to go by himself.

8067. And I presume that you remained there with Mr. Brown until they returned?—Yes.

8068. Did anything of importance then happen?—Yes, Mr. James Graham and I, got a fire in the parlour, and sat down at the fire, and while we were sitting another shot was fired at the window.

8069. Were the shutters closed?—My shutters were closed. I was not afraid; I never expected such a thing.

8070. You had nothing to be afraid about?—No; and Mr. James Brown's window shutters was fired at.

8071. The second shot was through the parlour window?—Yes.

8072. Was there any glass broken by it?—There was; and I suspect that they had no bullet, but that they had a piece of stick about that length (*describing the same*), and they put it into the gun, and fired it, but it did not come so far as we were sitting, but they shot it.

8073. Did you see any mark outside your house afterwards?—Yes.

8074. There was no doubt that the gun was loaded with shot?—Yes; it was a bad shot; they hit two of the corners of the window, and the stick came in.

8075. Did any of the police come up with these two men who were sent for them?—I was not aware.

8076. Had you, before these shots were fired at you on that night, arranged to go to Tuam the next day?—Yes; I had my carriage and my horses ready to go off in the morning.

8077. Were there any voters intending to accompany you?—Yes; I intended to take six in my carriage.

8078. Were there cars to take the men?—There were.

8079. I suppose that that was known in the neighbourhood?—I do not know, but I suppose so.

8080. Did these people come to the house?—They came exactly at the time when I told them to come, namely, at daylight in the morning, to be at Tuam on the day of the polling.

8081. Had you post horses?—Yes; I had ordered them the night before.

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8082. Who were the men who arrived about daylight?—Do you recollect their names?—I do not know.

8083. Was there a man of the name of Connor?—Yes; and a man of the name of Faby.

8084. And Michael Reilly?—Yes.

8085. And Wire?—Wire was the carman.

8086. Was their intention to vote for Captain Trench?—Certainly; they told me that they would.

8087. When they came, they were informed of what had happened?—They were; they heard it all.

8088. What did they say to that?—They said that they certainly would not go to Tuam, and that they hoped I would not ask them to do anything wrong; and I said that I would not.

8089. Did you believe that they would be in danger if they went?—I did.

8090. Did you go yourself?—I did not.

8091. You did not go, because you were afraid to go?—Yes, I was frightened that they would shoot me.

8092. Did the postillion who was to take the horses also refuse to go?—Not to me.

8093. Did all these men who had arranged to meet you there go home from fear?—Every one of them went home; six of them.

8094. Was any damage done to any of your property, or the house at Clonkelly, on that same night?—Yes; six iron gates of mine were smashed, and my walls were broken down.

8095. Were any trees cut?—I think 28 were broken down; they went a mile off.

8096. Were they young trees; about seven or eight years old?—Yes.

8097. Larch, and so on?—Larch and Scotch fir; a very nice plantation.

8098. How far was that from your place?—Nearly a mile away.

8099. Was any coping knocked off your wall?—There was.

8100. A great deal of damage was done?—A great deal of damage.

8101. On that day, the 5th, had you been out to see some voters near Dunmore?—No; I was not fit to go; I sent the other Mr. Brown to see the voters, and whether they would come; another hatch who were to be sent into Tuam.

8102. Except the state that the people were in when excited about the election, are you aware of any cause for these murderous attacks upon you?—Excepting about the election, I do not know of any.

8103. Had you been on friendly terms with your neighbours and people in the country?—Except with about three gentlemen, I was; there were about three gentlemen that I never was on good terms with.

8104. In your own neighbourhood, and as far as you had an opportunity of observing, were the country people much agitated and disturbed, and excited about this election?—I have been at elections since the year 1811, and I never saw a country so excited; I heard of nothing but murders and killings.

8105. Do you recollect the great election of 1828?—I do; I was at one before that.

8106. Was the last election a more excited election than that?—I never saw so excited an election; I was not at the election.

8107. I refer to the feeling of the country?—Yes.

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8108. The

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J. Brown.
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1879.

Mr. W.
J. Brown.
— 12 April
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8108. The feeling of the country in your own neighbourhood was worse than in 1826, and more excited?—Yes, I received several messages not to go. It was said that my carriage would be smashed, and that I should never come home again.

8109. There was, in fact, a reign of terror at the time?—No, I do not say that, but I was afraid; I was not afraid until I got a shot.

8110. And a great many people there were also afraid?—Yes.

8111. And the voters were afraid?—Yes; I had no voters except what I have mentioned.

8112. Did any other voters than those whom you have mentioned, tell you that they were in any way alarmed or terrified, or visited by mobs?—These voters who saw me on the morning of the election to go with me in my carriage, told me that they had a notice which was posted in one of their houses, and they said that they were afraid to go. They said, "If you will go and take care of us, and preserve us, we will go with you, and we will vote as you wish." I told them that I would, and that there would be military and police to protect me into Tuum, which I expected; and then they handed me a notice which they had taken off that morning from a house of mine, which I have got.

8113. Will you kindly show it to me?—(The Witness produced the same.)

8114. "Notice. You electors of Tomicon, I hope and insist you will stop at home, and not appear at the place of polling; or, if you do, you never will reach Tuum alive if you vote for Trench?"—Yes, one of my voters on that morning (it was not the morning of the election) told me that he took it from a house near his house.

8115. You are, of course, a gentleman of large acquaintance with the country people; did you believe that the representations of these tenants as to terror were sincere, and that they were in earnest?—Yes; they had promised to come if I could protect them; but previously they had called at the house to tell me all the terrors that they were in, and I was persuading them that really there would be no danger at all, which I believed.

8116. You encouraged them to come, and said that there would be an escort?—Yes.

8117. And you tell me that your own house was attacked, and you were afraid to go?—Yes.

Cross-examined by Mr. Macdonagh.

8118. I suppose that the tenants who were at your house upon that night are all alive and well?—I did not hear of any of their deaths; I think that they are.

8119. Do you think that it is a good maxim of the law that a man who is to prove his own state of mind is the best person to do it, whether he is frightened or not?—I do not question that; all that I do is to come, as I am summoned here. The two men told me that the police told them that there was no such thing as law during an election.

8120. Which of the men was it who brought you the notice which he said was posted upon the house?—Madden.

8121. Where does he live?—At Kinneven, where that notice was posted.

8122. Was it upon the day on the eve of the voting that he brought you that notice?—No.

8123. Where was it?—Some days before, when arrangements were made with him as to how he was to come.

8124. And it was then, I suppose, that you assured him that there would be ample protection by the military and the police?—I did, because I expected it; it was very improper not to send me the police when they had promised them; and not only that, but they took the police away from my property at Glen. That was by some arrangement with the police themselves, about which I wrote to the Lord Lieutenant.

8125. Were you promised by Captain Trench's party that the police and military should be in attendance?—No; it was generally told as that we were to be protected, and the gentlemen of the country told me that we should have an escort to Tuum.

8126. Did not you receive a letter from Captain Trench himself, promising that you and your tenants would be protected?—I do not recollect getting it; I do not think that I got any letter from Captain Trench after the 20th; I am not sure about that.

8127. I wish to call it to your memory, if I can, whether or not you received an intimation from Captain Trench, or somebody upon his behalf, saying that if you would collect your tenants they should be protected, and that you should have military?—I might; I was told so.

8128. You heard it among the gentry of the country that you should all be protected?—Yes.

8129. You have said that you had three tenants with whom you had not spoken for 20 years?—No; some of them I have not spoken to. There are three tenants that I hardly ever spoke to, because they were bad boys.

8130. But there were three tenants to whom, certainly, you never spoke for 20 years?—I do not recollect; I never wished to speak to them; I kept them in contempt.

8131. Were you at the election of 1826?—I was.

8132. How many people were killed on that occasion?—A great many.

8133. In or about how many?—I cannot tell you, but there were a great many; I think that then the police were not there, but there were military then, and there were soldiers with horses wounded; I remember their putting some men into an oven and burning them.

8134. Do not you know that a single man did not lose his life on this last election?—I do not; I have not given myself any trouble about it since.

8135. I was astonished when you said that you had been at elections for so many years, and that you never knew so bad a one as this?—There was high excitement.

8136. Did you say that you heard of nothing on this last election but murders and killings?—I meant that there were people telling me so.

8137. The voters?—Even non-voters. They told me, they brought me word that if I went to Tuum and brought my men, they would be all murdered.

8138. You do not mean that any actual murder was committed?—I do not know of any.

8139. Had you promised Captain Nolan to vote for him on the former occasion?—I had, so Mr. Higgins, who was a friend of mine.

8140. You mean my friend, Mr. Higgins?—Yes; and in consequence of my friendship with Mr. Higgins

Mr. Higgins, I said at the last election of Mr. Mitchell Henry, that I would vote with Mr. Higgins.

8141. Did you on the occasion of this election say that your tenants must vote on whichever side you voted?—I do not recollect; I might have said it: I expected it, and I now expect that they will go with me, and I hope that they will go with me, and they would have gone on this occasion except for the terror which existed.

8142. When Captain Nolan canvassed you, did you tell your tenants that they must vote on whichever side you voted?—I did not say that I used the word "must," but I said that I expected them to vote with me.

8143. Will you positively swear that you did not say it?—No; that was a couple of years ago; I do not think that I ever had much conversation with Mr. Nolan, or with Captain Nolan.

8144. I am speaking of the recent occasion?—On the recent occasion I refused Captain Nolan; he called upon me at my house, and I refused him; I told him that I had not made up my mind, and would not promise him.

8145. And did you not then say that your tenants must vote as you voted?—I do not think that I did; but I do not recollect; I do not see why I should have said so.

8146. Had you several tenants whose leases had expired, or were on the point of expiring on the eve of the election?—Before the election; they were so tenants of mine. There were some tenants of mine who held my lands without my leave, or any authority whatsoever, but they claimed under tenants who had a lease for 21 years, and they subdivided the land and injured it considerably, so that it is now hardly worth anything; and I said that I would get rid of those tenants for example's sake.

8147. When did you say that you would get rid of those tenants for example's sake?—I suppose a year before the election; something like that.

8148. Had the 21 years leases dropped?—They dropped last November.

8149. Before this election?—Yes.

8150. Did you say that more especially those tenants whose leases would soon be out must vote with you?—No, because they had no lease I did not say anything of the kind. I must say that to every respectable man I would give a lease to-morrow.

8151. But you were determined to clear the land of the sub-tenants?—Yes, they were trespassing and cutting bog, and doing all sorts of mischief.

8152. And you announced it so that the people would know it?—I stated it to my agent and bull, but I said that I would never dispossess the two men who were respectable men.

8153. Did not you give it to be understood in the country that the others should leave?—I expected that they would.

8154. How many were there?—I think three.

8155. Three sub-tenants?—Yes, three or four; I am not certain.

8156. Did you say that you were about to evict three tenants, and that you knew that the "Tuam Herald" would kick up a row about the matter?—The "Tuam Herald" was constantly maligning me, and if it was not that, I should so treat them with so much respect, I should bring an action against them for libel.

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8157. Did not you say that you were about to evict three tenants and that you knew that the "Tuam Herald" would kick up a row about it?—I may have said that. Whenever the "Tuam Herald" can get anything against me they will, because I will not subscribe to the paper. The worst untruths which were ever told in the whole world are put into that paper; that and the "Galway Vindicator."

8158. You are dreadfully annoyed by those gentlemen?—I am.

8159. I believe that you are constantly in disturbance, and in law?—No, I do not have any law at all, but the priests go to law.

8160. Are you a Roman Catholic?—No.

8161. How do the priests go to law with you?—That is too long a story. It is about a tree; it was a tree which was taken away, and the priest said that it was his property and I said it was not, and then he abused me and he said that I was going to take up the bodies from the churchyard.

8162. Was this a tree in a Roman Catholic churchyard?—It was.

8163. What right had you to that tree?—Because it was my property.

8164. The tree in the Catholic churchyard was your own property?—Yes.

8165. And the Catholic clergyman claimed it, and you would give it up to him?—No, he never claimed it.

8166. Why did you not give it to him?—Because he never asked me.

8167. Has damage often been done to your trees before; to this little shrubbery which you have talked of?—To be sure there has; there were three tenants of mine (the witness shook his head).

8168. I asked you about the shrubberies having been injured before and your reply was "Yes." How often were they injured?—Six or seven times.

8169. Within how many years?—They began in the year 1857.

8170. And they were continued to be injured?—I believe that some of the boys whom I suspected went off to America.

8171. What was the last time that they cut your trees before the election?—I cannot recollect what time it was, but I know that a man who is now dead, who kept the pound, told me who did it, and they were not taken up by the police, and that man is now gone.

8172. Do you suspect him?—He was the son of one of my friends.

8173. Those are the three fellows that you mean to get rid of?—No, he is not one of them. I have no power of getting rid of the three men whom I have referred to for they have leases.

8174. Have you received threatening letters usually before the election?—When the priest went to law with me I got a threatening letter to say that if I did not give up the law suit against the priest they would shoot me.

8175. About how long ago was that?—I have not come prepared to say that; if I had been asked before I would have come prepared; I have it down. The threatening letter was the 26th of November 1870, and I gave it to the policeman, and he would not give it back to me.

8176. After that threatening letter of November 1870, was not there a good deal of litigation

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at the petty sessions?—About that time; I have the sermon of the priest.

8177. You did not hear it?—I read it in the newspaper, and I have it in the newspaper. I was not in the chapel, but I had a person who was a very good stenographer, who took down every word, and it was published in the "Tussock Herald" of October 1870.

8178. How many meetings at the police court had you?—There were a great many.

8179. And you have been in constant litigation with him in the years 1870 and 1871?—No, I was never in litigation with him, but it was he who was in litigation with me.

8180. Did he not bring you to the police office?—No, the people who cut the trees were taken to the police office; it was not a great many. Mr. Conway was my attorney, and every day that he could get an adjournment he did, and he dropped the case afterwards.

8181. I believe that you were in former times

an attorney yourself?—I was; I left the profession in 1839.

Re-examined by Mr. Serjeant Armstrong.

8182. Was one of the three tenants of whom you have been speaking, a magistrate?—Yes.

8183. I suppose you do not think that he came to fire at you?—I do not know whether he did or not.

8184. Upon the whole, have you any doubt that it was upon the election that you were fired at?—I have not the slightest doubt.

8185. It had nothing to do with your land at all?—It had nothing to do with my land that I knew of, nor did anybody else about me know it.

8186. They selected a curious time at all events?—Yes.

8187. I suppose that you were never fired at twice on the same night before?—I was never fired at at all before.

[The Witness withdrew.

Mr. JAMES BROWN, sworn; Examined by Mr. Murphy.

8188. WHAT relative are you to the gentleman who has left the table?—Son.

8189. Were you at Mount Kelly on the night to which he has referred?—I was.

8190. Do you recollect the hour when you went to bed that night?—I do perfectly well; about half-past nine or a quarter to 10; I was very tired. I had been out in the country the whole of that day, and I went to bed rather earlier than usual.

8191. I believe that your intention was to make an early start in the morning?—Yes.

8192. About what hour were you awakened out of your sleep?—I was awakened, I should say, about 12 o'clock at night; when I got into the parlour some minutes afterwards, I looked at the clock on the chimney-piece and it was a quarter past 12.

8193. What awakened you out of your sleep?—I was very fast asleep, and I heard a very loud noise, and I sat up in my bed and listened for a few minutes; I did not know what knocking it was. In a few minutes, Mr. Brown, my father, came to my room. I said who is there, and he said, "It is me, I have been fired at," and I immediately got up and I was in a hurry; we were in the dark. The shutters in my room were not shut; I never shut them but I drew down the blind, and if I lit a candle they would see exactly where I was. I partly dressed myself in the dark, and I got my gun and put some slugs into my pocket, and I first went out into this room, and I saw the blind blown in, and the shutters blown open, and the whole place strewn about with china candlesticks broken, and it was all covered with debris of every sort.

8194. Did you examine your own room afterwards?—I did light a candle; I wanted to put on some more clothes, it was a very cold night. I went back to my own room, and the first thing which attracted my attention was the looking-glass on my table, which I saw was smashed, and I said, "What in the world has done this."

8195. What had smashed it?—A bullet did; it went through the top of the frame of the glass. I then saw a hole in the window blind, and I removed the window blind, and saw that the glass was broken. The bullet had gone through the

glass; the bullet was lodged in the wall about four feet from my head.

8196. The place where you had been lying asleep?—Yes; a large musket ball.

8197. Did you then call up the steward?—The first thing that I did was to go out the back way, and I kicked at the door of the steward's house; I got no answer. Mr. Brown was with me; it was very cold, and I told him that he had better go in as he was not well. The steward asked from one of the windows who was there, and what was the row.

8198. Did you tell the steward what had happened?—Not until he came down. He came down to the door and he came outside, and I said to him, "We have been fired at; and go and put on your clothes as soon as you can."

8199. Did the servant join you?—Not for some time after that; while he was putting on his clothes, I went down to the front of the house where shots had come in, and I searched round the plantation having my gun with me, and could see nobody.

8200. I believe that after some time Graham and Kenny volunteered to go for the police?—In about five or six minutes Graham came to me, and I said, "Have you called Kenny," and he said "Yes."

8201. They went for the police?—Yes.

8202. While they were away, were you sitting in the parlour?—Yes, at the fire.

8203. Was anything done while you were there?—Yes, another shot was fired at us through the windows; the window shutters were closed, but the glass was broken; one grain of the shot pierced it, and we found on the following morning a piece of bog oak between the portion of the glass not broken away and the window shutter, clearly as if it had been done by a gun.

8204. Did Graham and Kenny return to you soon after that?—Graham and Kenny were gone at that time from our place to Glas, to look for the police, and when they had reached a little beyond the workhouse, which is about 10 minutes walk from our house, they heard that shot.

8205. They told you so afterwards?—Yes.

8206. Do you recollect shortly after that some of the men arriving?—Yes; I did not go to bed again.

again that night; I sat by the fire till about 7 o'clock in the morning, one of the servants came in and she said, "Sir, the voters have arrived, and the cars are to take them to Tumn;" they were all frightened; they begged of me not to ask them to go; I was willing to go, but they were explaining to me the danger of it; and the postillion who was to bring us there told me that he was afraid to go, that he was afraid that his horses would be injured, and that he was afraid that he would be upset.

8207. Had you asked the tenants for their votes?—Some of them I had, and some of them volunteered to give them before I asked them.

8208. Did you say one word at that time of any threat to any party?—Certainly not; there was no necessity for it; they were most willing.

8209. You did not yourself go to vote?—No, I was afraid to go.

8210. Do you believe that the terror expressed by those men that night was felt by them?—I have no doubt in the world of it; there is not a shadow of a doubt about it.

Cross-examined by Mr. MacDonnet.

8211. Had you more than once spoken to those tenants about their votes?—Some of them; I think twice.

8212. About what time did you commence canvassing?—The first conversation which I ever had about voting with any of the tenants was about the middle of November; they were paying their rents and they said, "Sir, there is an election coming, and in what way would you wish us to vote?" and I think that I said to them then that we did not know, but would let them know in a short time; then upon the 19th of January I had occasion to go to Mr. Barrett's, about some farm buildings, and on that morning I met the Reverend Mr. Loftus at Mr. Barrett's place; I had never before seen him but once; he stopped me on the road; we had some conversation about votes, and he read me a lecture about interfering with tenants' votes, and all that sort of thing; and I told him that I did not interfere farther than this, to let them know how I should vote, and that I hoped that they would vote with me. He said, "I can tell you I have canvassed there, and they promised me." As well as I recollect, I said "I am going over to-day, and will see them;" I went over that day and saw the tenants, and saw that they were quite down in the mouth, and they began to tell me that they were afraid; I said, "You need not be afraid; I will take care of you, and will bring you in, and there will be plenty of protection for you," for I was given to understand that the police would come: when I came home I told my father "We are sold; the fellows will not go with us." It was all very well until the 5th of February, the day before the election, and I left home early that morning to go there on purpose to send for those voters, and to place them under an escort; I saw them; they were all together; they said, "Oh, sir, it is of no use; you may do what you like, but go to Tumn we never will; we are afraid." They told me that they were afraid, and that they would not be ready; one of them, Peter Flannigan, told me that he had a son in some college who was studying for the Church, which cost him a considerable sum of money, and he said that if he voted for Captain Trench, his boy would be sent home from that college, and would not be admitted

to any other college, and would lose the benefit of all the money that his education at the college had cost.

8213. The result is, that after the public meetings you found that the mind of the tenants had altogether altered?—I did; there is no doubt about it; they positively refused to go, they said no matter what I gave them.

8214. Has Mr. Brown, the first witness, been in a state of war with the people about him for sometime past?—Not a bit of it.

8215. Do you think that he has rather his own views about the matter?—I cannot say.

8216. Has he got three hostile tenants?—I do not know anything about that, he is not friendly with them, I believe; they are independent fellows.

8217. At all events what occurred on that night had the effect of frightening the master into the same state of mind as the tenants?—We were all frightened, and it is no wonder.

8218. Do you think that it was a piece of a stick which was fired on the third occasion?—It was amongst the shot; the marks of the shot were plainly visible on the wall on the following morning, and some gentlemen who came there afterwards, the sub-inspector of police, and Mr. Hill, picked some of the grains of shot out of the wall.

8219. Did you, yourself, see any grains of shot?—Yes, lots of them.

8220. Where did you see them?—In my father's room.

8221. I mean in the morning when the third shot was fired?—I saw one which came clean through the window shutter, and I saw several which stuck in the fastenings of the wall.

8222. What was the size of the piece of stick which was found?—It was about the length of this paper.

8223. Did the stick go through the shutter?—No, it remained between the glass and the shutter.

8224. Do you know a Mr. Leonard of Tumn, a neighbour of yours?—I know Mr. Leonard of Tumn, but he is not a neighbour of mine.

8225. Do you not know that he was a supporter of Captain Nolan's?—I do not know; I never had any communication with him about the election.

8226. Do you know, as a matter of fact, whether a shot was not fired into Mr. Leonard's house on the same night, and about the same time as it was fired into the last witness's house?—I do not know anything about it.

Re-examined by Mr. Murphy.

8227. How did you return that day?—The usual way through Dummore.

8228. That is Dummore that we have heard some little talk about here, I suppose?—Possibly so; I could not hear anything at a distance. When I was leaving the tenants that day, and was going home, they begged of me not to go home through the town of Dummore, and I asked them why, and they said that they thought that I should be assaulted if I went home in that road; I did not much mind what they said, but the boy who was driving the car said, "Sir, you had better not go that way, and let us go by Guntest;" I said, "Very well," and I told him to go that road, and we did so, and when we got to a place about four or five miles from home, I saw a

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great crowd on the road; the horse which we were driving was a very spirited horse, and was in great humour that day, and I told the boy to take the horse and walk through the crowd; I was afraid of them, and he did so, and walked half way through the crowd, and about the centre of the crowd I saw the Reverend Mr. Mooneyhan riding a pony through the hedge, and I saluted him, and the mob then set up a yell such as I never heard before.

8229. This reverend gentleman knew you?—Yes.

8230. And immediately after this, the attention of the crowd was directed towards you?—Yes.

8231. Did your tenants tell you anything about that gentleman having compassed any of them?—They did; they told me that he went there, and that he asked them to vote for Captain Nolan, and that they told him that they had promised me to vote for Captain Trench. He was accompanied by his steward; I have heard that his name was the Reverend Mr. Gallaty. There was Thomas Noone, and he told this Noone that if he went to Tullin he would never return alive, and that all law was suspended during election time.

8232. And that killing was no murder during that time?—Yes; the horse ran away with us when the mob shouted at us, and the more the horse went the more they shouted. Father Mooneyhan never made the smallest effort to stop them, and I was very much aggrieved by it, for I thought that he ought to have stopped them.

8233. When he saw your horse running away and your lives in danger?—Yes.

8234. What sort of a vehicle were you driving?—A high car with high wheels.

8235. And there were dykes along the road?—Yes.

8236. Mr. MacDermot.] Do you say that the Reverend Mr. Mooneyhan urged the people to do it?—I do not say that, but he took no trouble to stop them.

8237. Is he alive or dead?—I have heard that he is dead; he stood there on his pony, and never made a motion to stop them.

8238. As a matter of fact had you not attracted a great deal of attention before the election from the way in which you drive through the country?—No.

8239. Do you use anything on your horses?—Yes, sleigh bells.

8240. When you use those sleigh bells, do you not get cheered?—I have never been cheered.

8241. Do the people come to see you passing by driving with the bells?—I have never remarked it.

8242. Are you popular in the country?—I think that I am.

8243. Have you been in the habit of carrying a revolver about you?—Yes, as soon as I was fired at; I had no revolver before that, but as soon as I was fired at, I wrote to Mr. Hill, the magistrate, for a license, and he gave it me, and I wrote to a gunmaker for a revolver, and I carry it every time that I go out, and I was afraid to go out without it.

8244. Mr. Justice Keogh.] I hope that you have not it in court?—No; I am not afraid here.

8245. Mr. MacDermot.] Had you been in the habit of carrying a pistol before that occasion?—I had frequently had a pair of small pocket pistols; that was at the time of the Fenian business about two years ago.

8246. Had you been carrying those pistols within the last year?—I do not think that I carried them for 12 months or so.

8247. Had you ever occasion to use the pocket pistols which you have carried?—Never.

8248. And I hope that you will not have occasion to use the revolver which you have carried?—I hope not; it is the last thing which I would do.

[The Witness withdrew.]

JOHN COLEMAN, SWORN; Examined by Mr. Perce.

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8249. I BELIEVE that you were in the Royal Irish constabulary up to a recent period?—Up to the 22nd of last month.

8250. You were there on the 6th of February last?—I was.

8251. Do you remember on that morning being sent for to Mr. Brown's, by Michael Kenny?—Yes; about half-past one o'clock, or one o'clock, Mr. James Brown came to the barracks and kicked at the door; I was upstairs in bed, and I heard a noise and looked out, and he said that I was to come to Mount Kerry, that there was a mob; I left the other men on guard, and reported the matter to the nearest magistrate. I met young Mr. Brown outside the door, and he brought me in to the master, and the master said, "show the policeman what was done." He brought me into Mr. James Brown's bed-room, and he showed me a bullet in the wall, and he brought me to his father's room, and he showed me some shots which had been fired through the window in the parlour. Then he brought me into his own bed-room, and showed me where there was some shot fired through the window, and the marks upon the chimneyside in his bed-room.

8252. Did you see any trees cut down?—No; I did not see them at all.

8253. Did you see any gates injured?—I saw five gates injured.

8254. Were they iron gates?—Yes, they were all iron gates.

8255. Did you see any coping or wall knocked down?—Yes, but I did not go to see the trees.

Cross-examined by Mr. Macdonagh.

8256. How long were you stationed in that place?—I was over six years at the time.

8257. Had you on former occasions been acquainted with the fact, that Mr. Brown's trees had been uprooted or cut?—Yes, I heard it, but I never went to see them; I heard that they were smashed.

8258. You often heard of it during those six years?—Yes.

8259. And that he was on bad terms with the tenantry?—I heard that; but I could not say.

8260. Do you know that his tenants and he were constantly quarreling at petty sessions?—Not to my knowledge.

8261. You

8261. You were not at the petty sessions?—I never saw it.

8262. Do you know a Mr. Conway, an attorney?—Yes.

8263. Did you know that he was acting for Mr. Brown in those matters?—No; I never knew about it.

8264. I suppose that during the six years, you have occasionally heard of outrages of this character, firing into houses?—I have not; I never went to it.

8265. But other constables I suppose did?—The constable in charge, I suppose.

[The Witness withdrew.]

Constable WILLIAM KELLS, sworn; Examined by Mr. Serjeant Armstrong.

8266. WERE you stationed at Ballinasloe shortly before the election?—I was.

8267. Do you recollect a ballad singer there?—I do.

8268. Were you present when he was arrested?—No.

8269. Was he arrested?—He was.

8270. Where was he brought, to the barracks?—Yes.

8271. How long was he kept there?—From about three o'clock till nine.

8272. Who took him out?—Some of the men.

8273. Did any gentleman come to the barrack?—Captain Nolan did.

8274. Was anybody with him?—His brother.

8275. Who was his brother; has he a name?—I do not know, only that he was Captain Nolan's brother.

8276. Was it Mr. Sebastian Nolan?—I believe that it was.

8277. They came down to the barrack at about nine o'clock?—Yes.

8278. What did they say; I do not want the identical words, but what did they come about?—They came down about the ballad singer to get him out.

8279. What did they say to the police?—Captain Nolan said something that he would write to the Government.

8280. Or Parliament; which was it, the Government or Parliament?—I do not know; he mentioned the Lord Lieutenant.

8281. Did Sebastian Nolan say anything?—I do not recollect.

8282. When Captain Nolan said that he would write to the Government, or the Lord Lieutenant, what became of the ballad-singer?—He was discharged before the magistrate.

8283. Who is he?—Mr. Hinds.

8284. How long before the election was this?—It was about the middle of January.

8285. Was it the day before the big meeting at Ballinasloe?—I think it was.

8286. Were you at Ballinasloe on the day of the polling?—I was.

8287. Were Pat Rock's windows broken?—Yes.

8288. And Mr. Elliott's?—They were.

8289. And Mr. MacGragan's?—Yes.

8290. And Mr. Burke's?—They were.

8291. And Mr. Gill's?—I believe they were.

8292. And Mr. Shark's?—I believe they were.

8293. Who were breaking those windows?—I myself prosecuted three parties who broke them.

8294. Was there a great mob in the town?—Yes.

8295. Were they unruly?—They were unruly.

8296. And breaking windows?—Yes.

8297. What were they shouting?—They were shouting for Captain Nolan.

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8298. Were they shouting for Captain Trench?—I do not recollect hearing any.

8299. Did you arrest any stranger for striking the windows who was not a townsman at all?—There was a Roscommon man.

8300. Did he get punished?—He was fined 1*l*, or a fortnight's imprisonment.

8301. Did he pay, or did he stay in?—I believe that he paid us.

8302. Were you present when he paid the money?—I was not.

8303. Do you recollect a complaint that the Roscommon people could not get into the town on that day?—I heard a complaint about Captain Nolan's room that the Roscommon people were kept out.

8304. Did you see Mr. O'Shaughnessy?—Yes.

8305. Does he live on the Roscommon side of the river?—Yes.

8306. About how far?—Two or three miles.

8307. Did he come into the town on that day?—Yes.

8308. Did he go out in the direction of where the crowd was?—I heard that he went down to it as it came in.

8309. Did you notice the crowd coming?—I did.

8310. Was there a great crowd?—I could not say that they were a great crowd.

8311. Were there some Roscommon people in the crowd?—Yes.

8312. Who was the ringleader of the mob?—

Mr. MacDermott objected to the question.

8313. Mr. Serjeant Armstrong.] Was there anyone particularly conspicuous in the Roscommon crowd?—I do not know that there was.

8314. Were there any people prominent amongst them?—I do not know; I saw Mr. O'Shaughnessy come back again.

8315. And was the mob at his back?—Yes.

8316. Were they shouting?—They were.

8317. And yelling?—They were, of course.

8318. Were any of the clergy with them?—I did not remark any of the clergy with them.

8319. Do you think that they were coming to vote?—I do not believe that any of them had a vote.

8320. Were they a noisy, yelling, shouting mob; on your oath?—Of course they were; they were shouting all through the town.

8321. Did you see Mr. Allen attacked?—I did.

8322. What did they do to him?—I saw them throw stones and mud at him.

8323. Did you see him making his escape?—I did.

8324. How did he get away?—He got into a house in the lower end of the town.

8325. Did he stay there for any time?—He stopped there for some time until the crowd went away.

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away, until they got a force of military and police.

8326. Did you see the mob trying to break into the house?—I did.

8327. Were they a mob?—Of course they were.

8328. Do you call a crowd of men and women shouting and yelling, and trying to break into a man's house, a mob?—I do.

8329. What is Mr. O'Shaughnessy's Christian name?—John, I believe.

8330. Had Mr. Allen to get military as well as police to escort him away?—At the time when he was going out the military were not there, but they had to escort him at the upper end of the town.

8331. So that as soon as he got clear of the town he was escorted by military as well as by police?—He was.

8332. Were you at the big Ballinasloe meeting?—I was in the town, but not at the meeting.

8333. You do not know whether Mr. O'Shaughnessy was in the chair or not?—I heard that he was.

8334. Were you present when he made any affidavit about the state of the country?—I was not; I do not know anything about it.

8335. Did they sling dirt at Mr. Allen, and stones as well?—They did.

8336. Did you hear anyone saying anything, or shouting for Mr. Trench or his friends, upon that day at Ballinasloe, or was it all on one side?—I was very convenient to where I heard one man shout for him, and, I believe, somebody said that he had been badly treated.

8337. Some of the priests saved him?—Yes.

8338. Do you know who he is?—He is a man who lives near Woodford, of the name of Mercer.

8339. Were you near Garbally Gate on any day when a crowd was coming into the town, who stopped at the gate?—I do not know.

8340. Were you down the road on that day?—I do not know any particular day.

8341. Do you recollect any great mob stopping near Garbally Gate on one day when you were down there?—I do not.

8342. On your oath, do you recollect groans for anyone at Garbally Gate?—I do not recollect.

8343. Were you there; did you see them stopping and shouting, and giving three groans for the Orange dog?—I do not recollect.

Cross-examined by Mr. MacDermot.

8344. You saw this ballad-singer lodged in prison; as a matter of fact, were you there when Captain Nolan arrived?—I was.

8345. Did you hear Captain Nolan explaining the reason of the arrest of the ballad-singer?—I did.

8346. Did you hear him say that the ballad-singer had been struck by the ostler from an hotel which was taken by Lord Danlo's men?—No.

8347. What did Captain Nolan ask to have done?—I understood that Captain Nolan's brother came up in the evening to know whether the man would be tried, and to see about him. I was not there. I understood that it was Captain Nolan's brother, and there were two newspaper reporters.

8348. You understood that what Captain Nolan wanted was, that there should be an investigation of the charge?—Yes; and he wanted to be at his trial.

8349. Were you here at the last assizes?—I was not.

8350. Did you hear that some persons were presented at the assizes for a matter connected with the ballad-singer at Tuam?—I do not recollect.

8351. Was not the polling over at the time when the windows were broken?—No, it was about two o'clock in the day that the windows were broken.

8352. Were not the votes substantially polled out at that hour?—I do not know; I would not say that.

8353. Were those people who were breaking windows of the lower order of the town?—They were, with the exception of one who was a Roscommon man.

8354. Were any of the priests or any of the respectable persons connected with Captain Nolan's party with the people who were breaking windows?—I did not see them.

8355. Did you see any of the priests endeavouring to keep order?—I did at the time Rock's window were broken; I heard the priests say that they were ashamed of them.

8356. Is Mr. O'Shaughnessy a magistrate?—He is.

8357. Have you known him for some time?—For about three years.

8358. Was he a ringleader of the Roscommon mob on that day?—I heard say that he was.

8359. Did you see him do any acts whatever which would lead you to the conclusion that he was the ringleader in the mob?—I could not say; I only heard that he went over there for the purpose of letting them in, and I saw him come back again; and that is all that I know about it.

8360. Do you know Father Kirwan, the gentleman here?—I do.

8361. Did you see him on that day?—I did.

8362. Did you hear him urging the people to be quiet and orderly?—I did not hear him, but I heard another priest in the town.

8363. Did you hear the other priest urging the voters to go home early?—I do not recollect.

8364. Did you see Mr. O'Shaughnessy occupied during the day in trying to keep order amongst the people?—I do not know; I saw him going about; I could not say what he was doing.

8365. Do you know whether a servant of Lord Clanricarde's, a butler of his, was fined for breaking windows?—I heard that there was a servant to his gamekeeper; that she was at one time.

8366. It was a female?—Yes.

8367. You heard that she was fined for breaking windows?—Yes.

8368. In point of fact, I suppose that these windows were smashed by the lower orders of people, who, perhaps, got drunk, and who got ready?—Of course they were of the lower orders.

8369. Were you ever at a contested election before?—I was.

8370. And I suppose that you have seen similar scenes at other elections?—Yes.

[The Witness withdrew.]

Sub-Constable

Sub-Constable BARRY WELDON, sworn; Examined by Mr. Perce.

8371. WERE you in Bellinacree the night when a ballad singer was arrested?—Yes.

8372. Did you yourself arrest him?—No.

8373. Who arrested him?—Laurence Kennedy, the sub-constable.

8374. Did you hear him singing songs?—I did.

8375. Do you remember what were the songs?—Songs in favour of Captain Nolan and against Captain Trench.

8376. Was it abusive of Captain Trench?—It was.

8377. Very abusive?—Yes.

8378. Did you hear this ballad singer say where he came from?—He said at the time that he was brought to the barracks that he had no settled place of residence.

Mr. Meesonagh objected to this evidence.

Mr. Justice Keogh allowed the objection.

8379. Mr. Perce (to the Witness). Do you know whether this ballad singer is in the town now?—I saw him on two occasions, or three, in the town. I saw him in the town since I came myself.

Cross-examined by Mr. Meesonagh.

8380. May I ask you can you remember any of the song?—I do not remember any of the song.

8381. Any part of it?—No; all I know of it was that it was in favour of Captain Nolan, and against Captain Trench.

8382. Perhaps you do not remember even the air to which the song was set?—I do not remember the air.

8383. It might have been "God save the Queen" for all you know?—Oh no, it could not have been.

8384. It might have been "Patrick's day"?—No.

8385. You do not know either the words or the song, or the substance of it?—I do not remember exactly the words of the song; all I can remember of it is that it was in favour of Captain Nolan, and against Captain Trench.

8386. Is the ballad singer an old acquaintance of yours?—I never saw him, except on that occasion, since the 14th January.

8387. Did you renew your acquaintance with him in this town. Did you ask him how he was?—I did not.

8388. Did he ask you?—No, he did not.

8389. You passed each other by. Is he to be examined as a witness; I should like to see him?—I am not aware.

[The Witness withdrew.]

Mr. PATRICK WILLIAM MANGAN, sworn; Examined by Mr. Murphy.

8390. WHERE do you live?—I live in a place called Cartarlina.

8391. Is that far from Castle Hacket?—Just about a mile.

8392. During the month of January, where did you usually go to hear mass?—To Cartarlina Chapel.

8393. Who was the gentleman that generally officiated on the Sundays in January, when you were there?—Father Curran, and I think Father Henry, the parish priest, on one Sunday.

8394. Do you recollect being there on the 14th January?—Well, I was there every Sunday. If there was first mass I was there, and I was there at last mass also.

8395. Did you hear him refer to the coming election?—I did.

8396. More than once?—Yes.

8397. Did he speak from the altar?—He did.

8398. Whose side was he advocating?—Captain Nolan's.

8399. Did he say anything about voters who would vote for Captain Trench?—Not that I am aware, but he spoke in the most respectful terms of Captain Trench at the time that he spoke of Captain Nolan.

8400. But what did he say to the people in urging them to vote for Captain Nolan?—He put forward the two candidates, and he said it was for them to choose, that one was a Protestant, and the other was a Catholic, and that it was for them to choose the best man, and to vote according to their consciences.

8401. And he left them perfectly free to vote as they liked?—Perfectly free.

8402. On all the occasions on which you heard him?—On all the occasions, and I was there 241—I.

every Sunday, from November up to the day of election; he spoke on one Sunday, I think, in Irish. I know Irish as well as I know English, and perhaps a little better, and he, in Irish, spoke in the most respectful manner, any time when he mentioned Captain Trench, that he thought he was as good a man, and for them to choose for themselves; but that all the landlord was entitled to was the rent, and that the tenants could vote according to their consciences.

8403. Did he say that all the clergy were in favour of Captain Nolan?—Well, I think he did.

8404. Did he mention anything about the archbishop being in favour of him?—Not a word about the archbishop at all.

8405. Did he say that he was the chosen man of the clergy?—I do not think he did; he might have used it, but I do not recollect it.

8406. Was he long speaking about that, each Sunday that you heard him?—Not very long indeed.

8407. He spoke, I suppose, from the altar?—He did.

8408. Was there any person that you saw in church who was about voting for Captain Trench at all?—I do not think there was, for I believe we all came unanimous in voting for Captain Nolan after the Loughrea meeting, and we required very little from the priest, for we thought after the Loughrea meeting that our priests were highly insulted, and all the voters came resolved (we did not care even what the priest said) that we would come, and even pay our own expenses, and vote for Nolan.

8409. Who is your landlord?—The Countess de Luns and Mr. Nesbitt. I get some profit rent

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Sub-
Constable
B. Weldon.
—
15 April
1872.

Mr. P. W.
Mangan.
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Mr. P. W.
Mason.

12 April
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out of Lord Clancarty's property in Ballinasloe.

8410. Had you been asked at all for your vote by any person belonging to Lord Clancarty?—Captain Trench wrote to me.

8411. Did you see him at all after he wrote to you?—No.

8412. At what time did he write to you?—Well, I could not say.

8413. Was it before Christmas?—Well, now, I could not be positive, but I know I got a letter.

8414. And it was after the Loughrea meeting of the landlords, that you and the other tenants resolved?—No, I was promised to Captain Nolan since last July. I met him at the assizes in Galway here and he asked me for my vote, and I told him I would have great pleasure in doing so, from being acquainted with his father, and knowing him so long at the board of guardians and otherwise, and that I knew Captain Nolan from his conduct now, as to the restoration and all this; and that if he followed the example of his father he should be a good man.

8415. Did you send any answer to the application of Captain Trench?—Not a word.

8416. Did you see him at all at any time between the time when you got it, and the election?—I do not know, but I might have seen him. I think I was driving to Tuam and I might have met him, but I did not know him until this petition at all.

8417. Was it after mass that Father Curran spoke to the people?—It was.

8418. And so far as he went, he left the people to vote for Captain Nolan or Captain Trench as they choose?—As their consciences dictated to them, on my oath.

8419. And he put forward Captain Trench as an excellent man?—Certainly. On the first occasion, on the very first time that he spoke about voting he put forward Captain Trench, as he thought a very good man, but from that time I do not think he said anything about him, because in fact, after, and even before he spoke, we all got indignant, and in the chapel yard before mass, we used to talk about how our priest was treated by the Loughrea meeting.

8420. By the landlords attempting to have a voice in the matter?—Not by the landlords, but we thought that we, the Catholic people, were supporting Sir Thomas Burke so long, and that he treated us very badly for all we had done, or our priests, I should say.

8421. Did you attend any of the meetings yourself afterwards?—I did. I was at Tuam and at Hendford.

8422. And you say that it was only on the first occasion that he spoke of Captain Trench, and he rather praised him then?—He did; he said that by all accounts he was a very fair good man, and that it was for the people to—

8423. To choose between them?—To act according to their consciences.

Cross-examined by Mr. MacDonnell.

8424. You say that you attended mass every Sunday up to the time of the election?—Every Sunday, first and second mass.

8425. You say that you heard Father Henry, the parish priest, speak there upon one occasion?—Yes, I did.

8426. Did either of those priests on any oc-

caison, in any way, attempt to coerce the conscience of any tenant?—Certainly not.

8427. Did they endeavour to make war between the landlords and the tenants?—Certainly not.

8428. You know the state of mind of the electors and voters about you?—I do.

8429. You say that you had been often conversing with them, about their political views upon this question?—Yes, before mass.

8430. Did they freely vote for Captain Nolan, or were they under the influence of coercion?—They voted freely for Captain Nolan, for they felt very indignant at the insult offered to their priests.

8431. Do you mean by the attempt, as the priests conceived it, to exclude the priests from the politics of the county?—Certainly.

8432. Do you think that the people were frightened or terrified by anybody, or by the priests, into voting for Captain Nolan?—Certainly not.

8433. Supposing the priests had not interfered at all in the election, which would the people have preferred to vote for, Captain Nolan or Captain Trench?—We would all vote for Captain Nolan, positively.

8434. I believe you are a large farmer?—I am pretty fair; I have a holding between 300 and 400 acres.

8435. Have you a pretty general notion of the views of the community about you?—I believe I have as much as any man in Galway.

8436. Do you know much about the county of Galway?—I do.

8437. As we have had so many opinions in this case, will you give me your opinion whether the majority which Captain Nolan obtained at the election was obtained by the free voice of the people, or by coercion or restraint?—On my oath it was by the free vote of the people, and upon my solemn oath if they were left to themselves, the majority would be more; that is my own solemn oath.

8438. You said that you held land under the Countess de Lusi?—I do.

8439. Were you applied to by anybody for your vote on behalf of Captain Trench; did you receive any communication from the Countess de Lusi or Mr. Nesbitt?—That is where I live.

8440. Who was Mr. Nesbitt?—He was a captain in the 42nd regiment, he is dead; the Countesses de Lusi and Miss Mary Nesbitt are his sisters; they are the landlords.

8441. Do you know a gentleman of the name of Robert Henry?—I do.

8442. What is he?—He is the agent over the property.

8443. Did he communicate with you about voting for Captain Trench?—He did; he wrote to me.

8444. Is that the letter (*Handing a letter to the Witness*)?—No, it is not.

8445. Have you the letter which he wrote to you?—There would never have been anything about my getting the letter, only that the bailiff went from tenant to tenant at the time that he cautioned them, and he said that I should have got a letter as well as every other. I would not have said anything about the matter, but it went ahead. I got those communications (*Handing some papers to the learned counsel*), the two together.

8446. This is the letter from Mr. Henry, the agent.

agent. "Mr. Pat Mangan, I would not wish that you should have to say hereafter that you were not aware of Miss Nesbitt's desire as to the coming election for the county. Miss Nesbitt and the Countess de Luns are anxious for the return of Captain Trench, and are most anxious, and so am I, that a man capable of such humbug as Captain Nolan, should not be returned. Yours truly, Robert Henry." Did this document come along with it (showing a document to the witness)?—It did.

8447. It is headed "County Galway Election." It is printed: "Captain Nolan again! Can Captain Nolan have the face to appear on the hustings with 'Restoration' as his cry, with such facts as are set out below staring him in the face? And can he believe that the intelligent electors of this county are such fools as to be deluded by such a transparent electioneering dodge as the Portacarron humbug of an arbitration." Then there is a letter which had been written by the Reverend John Dooley, on the 14th of February 1871, with respect to the Portacarron elections. At the foot of it, are given all the names of those as to whom it was imputed to Captain Nolan had evicted them, and what became of them. Then at the end of the document, there is a letter signed by James Martin to this effect, "To the Editor of the 'Galway Vindicator.' Sir,—I have read with much surprise the statement contained in the resolution proposed by Mr. A. M. Sullivan, at the meeting held at Athenry on the 19th instant. The statement to which I allude is as follows: 'That the noble example Captain Nolan has set to the landlords of the county, in the restoration of the Portacarron tenants to their cherished homes, &c. &c., entitle him to the confidence and votes of the Liberal electors of the county.' It is not my wish or intention to enter upon the field of election controversy; but I think the public should not be permitted to be deceived by a statement like this. It is not true that the evicted Portacarron tenants have been restored to their holdings. They have neither been restored nor compensated up to this hour. Two of those tenants, with their families, were received on the Roe estate when evicted, where they still remain, feeling possibly secure on an estate where evictions are unknown; I allude to Thomas Mally and John Hogan. The condition of the entire body of the evicted tenantry from Portacarron, is exactly the same as it was in February last, when it was so eloquently, so touchingly, and so truly described by the honest, accomplished, and lamented young clergyman, the Reverend Mr. Dooley. I remain, Sir, your obedient servant, James Martin." Was a copy of this sent to all the voters on this estate?—I heard the bailiff went amongst them.

8448. Did the bailiff come to you?—No, he did not come to me, but that letter came to me. The bailiff and I were not on terms, and I got that by post.

8449. Did you hear that the other tenants received a similar letter; did you hear it from the voters themselves?—I know that the bailiff went to all the voters upon the property; he said that I should lead them to the poll; that I should go and lead them to the poll, and that we should go and vote for Captain Trench, or something; I was told that; I was not by, and I cannot say.

8450. Were you told it by voters?—Certainly, and they asked me, would I go, and I told them

if they all did as I did, they would not according to their conscience. I did not tell them what I was going to do at the time: I did not wish to vote for Captain Trench. I wanted to keep away and have nothing to say, and let every one go along. Mr. Henry and I were on very good terms, and I thought to keep so; and only that the bailiff restored this letter that I got, no one should ever have known a word about it.

8451. Were you in the town of Galway upon the day of the polling?—I was; I came from home here. I polled at Galway here. The voters left before I came, but I overtook them; there were somewhere about 18 of us.

8452. Did 18 of you come in together?—Yes, there did; I think about 18.

8453. From what estate did those 18 come?—They came from Castleheckett and Headford; they came from Mr. St. George's, Mr. Murphy's, Mr. O'Flaherty's, Mr. Hackett's, Mr. Gunning's, and Mr. Skerritt's; I think that is all. I am not sure whether there were any more.

8454. How did those tenants come in to vote?—They were brought in on cars; they all came and met together. At the 14th mile-stone they met. I did not come there. I live within about a quarter of a mile of it.

8455. You drove in your own horse?—I did; they were started before I came out.

8456. Did they come in freely and willingly to vote?—Indeed they did.

8457. With their whole hearts?—Indeed they did, and a good many were even regretting that they were not able to come too; I know one or two.

8458. Did any voters tell you why they did not come?—Yes; there was a man of the name of Curran, the relieving officer was regretting to me that his lease would be up the coming November, and that he did not know what to do about coming. He wanted to know from me; I told him I had nothing to say to it.

8459. Did he express to you his regret that the position of his lease prevented his coming?—Yes.

8460. Whose tenant is he?—He is the tenant of Mr. St. George's.

8461. Of Tyrone or of Headford?—Of Headford.

8462. Did any other person who did not vote tell you the reason why he did not come to vote?—Not that I recollect; there might be.

8463. Try and recollect now. Did any voters tell you that they were under any apprehensions from their landlords if they voted?—They might.

8464. Search your memory to recollect?—I could not. There were so many things told to me at the time.

8465. Were any things told you by a voter?—I do not recollect.

8466. Did you hear from any of the voters that there were any directions given to them either to vote for Captain Trench or to stay at home?—I do not recollect it.

8467. During the polling here in Galway, was the town peaceable?—I am coming to elections since John Bodkins. I never saw anything in this county so quiet, because anyone, no matter who he was, could come out and in the court house at any time on the day of polling. There was a little rowdiness on the day of the nomination in the court house.

8468. Previous to the day of nomination (I suppose

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suppose you go about the country), were there any mobs parading the county, or was there any violence?—I never saw a mob or any appearance of it; I never saw the people so quiet. The fact of it is, there was a determination from the people to return Captain Nolan. A man that was to vote for Captain Trench if he wished could do the same, and we never had the slightest difference or otherwise. In fact, if they came along to us, we would be as happy to have them with us as any other; but there was none that I know unless the bailiff, he wished us to come.

8468. Had you been much through the county before the election?—Yes, I was.

8470. And during the time you went through the county, you saw no mobs or acts of violence committed, or mobs parading the county?—Upon my oath I did not.

8471. As far as your observation extended, will you swear that this election has been as peaceable as any previous contested election?—Upon my oath, I never saw so quiet a contested election.

8472. Did you see any voters coming in to vote for Captain Trench that day?—I did.

8473. Were they interfered with?—No.

8474. They came in quietly?—As quietly as could be. I was speaking to a good many that voted for him after the election, some of the people that came up with Mr. St. George and we were just as free as anything.

8475. No man was prevented from voting here on that day, so far as you saw?—Certainly not so far as I saw.

8476. Since the election, have those who voted for Captain Trench, been treated with any contumely by the people?—Not a bit; we are as free as we have ever been before; it never caused any discussion or otherwise.

Re-examined by Mr. Murphy.

8477. According to you, I think from your general description, it was almost a stupidly dull election?—I do not say that; I would be sorry to say that; it was the quietest election I ever saw in Galway.

8478. And neither before the election, nor during the day of the polling here, did you hear of anything to give you a different opinion from that?—Certainly I did not, never; I heard that there was something in Tuam, but I was not there.

8479. What did you hear?—I heard that there was excitement in Tuam, and I heard that a neighbour of mine, Mr. Kilkenny, was going across, and that he got a blow of a stick; that is all; if you want me to tell what I heard in other places, but I was not by at it.

8480. But you heard nothing to alter that opinion before the election, or during the election?—Not until I heard it sworn here, but in what I saw coming in at the polling, I certainly did not see anything but what was quiet.

8481. Is it not your opinion, honestly and *à fond*, that the voters for Captain Trench were just as free to come and record their votes for him as the voters for Captain Nolan?—It is, positively.

8482. That no danger could threaten them at all, so far as your opinion goes?—As far as my opinion goes he could not, and along the way that I came, and so far as I saw in Galway, coming into Galway by the Tuam road.

8483. That is what your experience of the county tells you, because you have a good deal of experience?—So I have.

8484. You never heard anything approaching to an altar denunciation at all?—Not in my own parish.

8485. But at any other?—No; I was always at my own parish chapel during the election, and before it.

8486. You might have heard what was going on in other parish chapels?—I did not.

8487. You heard of nothing at all of the clergy being too enthusiastic?—I might have heard reports about it, but I cannot swear to you what I heard that way; so far as I heard in my chapel, there was nothing in it except what I stated.

8488. Mr. Justice Keogh.] In what part of the county are your farms?—Just up by Castle Hacket.

8489. That is near Tuam, is it not?—Yes.

8490. How is it that your voting place is in Galway?—Because I live in Galway Clare; I could have voted in Tuam, out of the Barony of Tyaquin.

8491. It was a double entry, no doubt?—It was a double entry, and all the Barony Clare people had to come here; I reside in the Barony of Clare, just up by Castle Hacket, and it is a very bad arrangement to be dragging us up to Galway, being so close to Tuam.

[The Witness withdrew.]

Mr. JAMES HIGGINS, sworn; Examined by Mr. Sergeant Armstrong.

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8492. WHERE do you reside?—At Tuam.

8493. Were you there on the polling day at the last election?—I was.

8494. Was your house broken and attacked?—It was.

8495. Are you a brother of my friend Mr. Higgins, the solicitor?—Yes.

8496. Who broke your house?—I cannot say.

8497. Was it a mob in the street?—Well, I should suppose it was.

8498. What state was it left in when you saw it afterwards?—It could not have been left in a worse state.

8499. Was it broken, as far as you could imagine, partly with stones at all events?—Stones.

8500. Were the windows smashed?—They were.

8501. Were some of the doors smashed?—No, the doors were not.

8502. Were you attached yourself?—I was.

8503. Where?—At the court house.

8504. On the polling day?—Yes.

8505. Will you state what occurred to you?—A number of people gathered about me inside the rails of the court and continued so for a long time, and I got greatly afraid; I was speaking to three or four gentlemen, and they seemed rather nervous about me; Mr. McDonnell, from

Dummore, was passing by, and when he saw the position I was in, says he to me, "I think you are in a bad way here, and if you trust to me, I think

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think I will be able to take you out again;" with that, I said I would; with that we walked down, and on our going outside the gate, the mob followed and continued on, Mr. McDonnell doing all he could with his hand, and begging and requesting them to keep off; we got then down between the bank and the turn to the main street, and another mob was coming up the town, so I was then between the two mobs; with very great difficulty, Mr. McDonnell, I would say, saved my life with his son-in-law; we met Mr. McDonnell at the corner, and I think but for Mr. McDonnell we should have found great difficulty, but Mr. McDonnell happened to be there. He got behind me, and in that manner we managed to creep on until we got into the hotel.

8506. While Mr. McDonnell was assisting you, did he come to grief?—He did.

8507. What happened to him?—I do not know whether he did or not, but I heard he got a blow from a stick.

8508. But was there a violent or a threatening crowd around you?—Oh, yes, there was.

8509. Were you afraid?—I was very much.

8510. Of your life, you say?—I was.

8511. What is Mr. McDonnell's Christian name?—Martin.

8512. Of what place?—Dunmore.

8513. Are you a commissioner for taking affidavits?—I am not.

8514. It was not before you that he swore the affidavit about the peaceable condition of the country?—No.

8515. You are not a commissioner; were you acting for Captain Trench?—I was.

8516. Was there a terrorism and intimidation prevailing on that day in a marked way in Tuam?—There was.

8517. Did you hear shouting for Captain Nolan?—Yes.

8518. Was the mob all one side?—Yes, they were.

Cross-examined by Mr. McDonnell.

8519. Notwithstanding the conduct of this mob, or of the two mobs, you received no personal injury, I think?—No.

8520. You were a voter for the county, I presume?—I was.

8521. And you voted for Captain Trench on that day?—I did.

8522. At about what o'clock in the morning did you vote for Captain Trench?—Well, I should say about nine o'clock.

8523. Did you see several other gentlemen, like yourself, voting on that occasion?—I did.

8524. And voting for Captain Trench?—Yes.

8525. I presume that his voters judiciously came to the poll as early as possible?—Well, I left the hotel with them, and I got no obstruction in any way.

8526. How many were there?—Well, I would say there were about eight or nine of us; I could not exactly say.

8527. May I ask you in what position you acted as agent on that day; was it in bringing the voters up to the poll?—It was.

8528. And seeing them polled?—I presume, generally; I was doing everything, I think.

8529. I am sure you were, but I want some specific acts of agency that you were doing?—I brought up the freeholders; I assisted in bringing them up.

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8530. Just so; you could not do everything, no matter how energetic you were; did you see those gentlemen when they came to the hotel in the morning?—Which gentlemen?

8531. The gentlemen you brought to the poll?—I think they were there the night before.

8532. You think they slept at Daly's hotel the night before?—Yes.

8533. Had you arranged the night before that you come up in the morning to accompany them?—It was understood that I was to be one of the agents who were to go with them.

8534. And that you would come early and poll off as many men as you could?—Yes.

8535. Can you mention the gentlemen who had slept there the night before when you accompanied to the poll the next morning?—There was Mr. Lynch there, and Mr. O'Laughlin, and there were a good many gentlemen there; Mr. Clancy, I think; I think Mr. Bagot was there.

8536. Mr. Bagot of Ballymor?—Yes; there might be more who were strangers to me.

8537. But, at all events, you were perfectly well known in the town of Tuam, of course?—Perfectly.

8538. And those strangers to you, you accompanied to the poll?—Those gentlemen I did not accompany. I accompanied some country people, about eight or nine, or so, in company with Mr. Lynch and Mr. O'Laughlin.

8539. And the other gentlemen, I suppose, went by themselves?—I think they did.

8540. Was it the elder Mr. O'Loughlin or the young gentleman whom we have seen here?—Mr. Henry O'Loughlin.

8541. Was he a voter?—I do not know whether he was or not. He was an agent with me in bringing up the freeholders.

8542. However, you accompanied the country people to the poll?—Yes.

8543. And in going through the town you received no obstruction whatever?—No.

8544. And they all voted without any let or hindrance?—Yes.

8545. Did you go for any other number of voters on the part of Captain Trench on that day?—No, I did not.

8546. In fact you had none, I suppose; they were all finished off very early, the paucity of voters was such?—Well, I do not know.

8547. Now, Daly's Hotel had been taken as a tally-room, had it?—I believe it was taken for the purpose of securing the freeholders.

8548. And I believe you know that 100 l. was given for that hotel?—I do not know, really.

8549. How far is your cottage from the town of Tuam?—It is on the Dublin road in the town.

8550. What was your cottage taken for by Captain Trench?—Tally room.

8551. Was it used at all for any such purpose?—No, it could not be used; it was smashed the night before.

8552. Was that the reason?—I presume it was.

8553. Was not this a better reason, that were no voters to have any arrangement about tallies?—They intended to have put an agent in there, but they feared that it would be wrong to do so. The house was smashed; you could have no business going on there.

8554. I hope you received compensation?—No; I received no compensation.

8555. Did you apply for it?—I did.

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8556. Why

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8556. Why were you rejected?—I applied to the country, and the time is not come yet.

8557. Were you present the night before the polling at Daly's Hotel, when the country people were entertained there?—I do not know whether they were entertained there or not; I saw those voters, I think, about 20 of them.

8558. Twenty country people?—Yes, I think, 20, I am not sure.

8559. Did you see these entertained then?—I saw them in the long room of the hotel, and they appeared to me as if they were eating something.

8560. But you did not see them at dinner, is that so?—I might have seen an odd man if I looked in; he might have been eating something; really I could not tell you whether they were eating, but I saw the cloth laid for those people.

8561. About what hour of the day was it that the crowd were so unkind to you?—They commenced about 11 o'clock, I think.

8562. At that time you had no voters to poll at all?—No, I had not.

8563. And, in fact, you had no business to be at the polling place, you had nothing to do?—I had.

8564. What was it?—I was there to do anything that the solicitor for the district would direct, and that was the reason I remained there; if he gave me orders, I could not carry out those orders.

8565. And he did not give you any orders?—He did not; he gave me some few orders to go up to one or two of the booths, in some instances.

8566. Whereabouts were you when the mob first were unpleasant?—Outside.

8567. Were you doing nothing then?—I was doing nothing at the time.

8568. Were you standing in the street looking about?—I was standing about the court house, inside the railings of the court.

8569. At that time there was not a single voter for Captain Trench to be polled?—Well I did not see any.

8570. Do you not know now that after 11 o'clock in the day, the election, so far as that place was concerned, was virtually over?—I really cannot exactly tell you that.

8571. The way to tell it will be just this, do you know that no votes were polled for Captain Trench, after 11 or 12 o'clock that day?—I could not tell you that.

8572. And you have not in your mind or your memory at present, the recollection of a single voter polled after 12 o'clock?—No, I could not tell you.

8573. Do you know a place in the county called Clunethu?—I think I do.

8574. Is that upon the property of the Clancarty family?—Upon my word I could not tell you.

8575. Do you know of any mobmen, on the part of Captain Trench, from that village?—No.

8576. Do you know persons of the name of Mullins?—No, I might know them, but not by name; I might know their appearance.

8577. I mean persons from that very village?—No, I do not know them.

8578. Did you see a number of country people there with a man of the name of Michael Ryan?—Where?

8579. At Tumm?—No.

8580. At Daly's Hotel?—Well, the night before there were about 10, or 12, or 15, what we call lads of the town, or chaps of that description.

8581. Were they voters?—No, they were not.

8582. They were non-voters?—They were.

8583. What brought the "chaps of that description" there?—Upon my word I cannot tell you.

8584. You have no idea?—No.

8585. Was it a little mob?—It was a very small mob, that 10 or 12 would be.

8586. Was not it about two o'clock in the day, that you were attacked as you describe?—Well, I think it was.

8587. Was not the election virtually over at that time?—I cannot tell you; from what I have heard I believe it was.

8588. Will you get me the names of the other agents of Captain Trench that were employed at Tumm?—I will tell you those that I heard were employed. I saw Mr. Shine, and I saw Mr. O'Laughlin, and I saw Mr. Con Korman, and Mr. Fordo; I do not know any other.

8589. What is Mr. Fordo's Christian name?—Frederick, I think.

8590. Who else?—A man of the name of Ryan; I do not know whether he was employed or whether he was an agent or not; I cannot tell you whether any of those were agents; they appeared to me to be, and that is all I know.

8591. Was Mr. Ryan acting apparently as an agent; the man you mentioned before?—He appeared to me to be busy in the matter. I do not know whether he was an agent or what he was.

8592. Will you tell me about Mr. Shine; did he keep an hotel or a public-house?—He keeps a grocery establishment.

8593. Where?—In Bishop-street.

8594. In Tumm?—Yes.

8595. Bring back your memory to about three three weeks or a month before the election. During the time from the end of December to February, was not Shine's house open for the reception of persons in the interest of Captain Trench?—I cannot tell you that.

8596. Were you ever in the house during that time?—I might have been in the house, but not on anything connected with Captain Trench.

8597. And you have no opportunity of knowing whether people in his interest were entertained there?—No; I know nothing of it.

8598. Did you hear any shouting in favour of Captain Trench in Tumm?—Well, I did; I think, about a week or 10 days before I heard lads shouting for him.

8599. And of course, you thought that was a mere necessary to an election?—Well, there was an election coming on.

8600. You would never think of supposing that that was anything criminal or wrong?—I knew nothing at all about it; I merely heard them.

8601. Do you know Mr. Blake, the gentleman whom we had here?—I do.

8602. His son, I believe, is Mr. Charles Blake?—Yes.

8603. Was he an agent of Captain Trench's?—Well, I do not know; I believe he was; I could not say positively whether he was or not.

8604. Was not he apparently acting?—He was; I cannot say positively whether he was.

8605. But

8605. But you saw him acting for Captain Trench?—He was.

8606. What did you see him doing in the interest of Mr. Trench?—I did not see him doing anything particular. I saw him at Mr. Conway's office on two or three occasions.

8607. Was that Mr. Conway, the attorney?—Yes.

8608. Was he engaged for Captain Trench?—Yes.

8609. Did you hear him and Mr. Charles Blake speak upon the election?—Yes; I did.

8610. What agency did Mr. Pat Conway fill at the election?—He was the solicitor for the district.

8611. How often have you seen Mr. Charles Blake in his office?—I suppose five or six times.

8612. Did you see him writing there?—No.

8613. Did you not meet Mr. Charles Blake there to consult in reference to the election?—Yes.

8614. And you and Mr. Conway, and Mr. Charles Blake, all consulted together about the election?—Yes.

8615. Did Mr. Charles Blake distribute any placards?—I am not aware that he did.

8616. I think you have mentioned a person of the name of Forde as being an agent, either a Mr. Frederick Forde, or a Mr. John Forde?—Mr. Frederick Forde; I am not sure whether he was an agent or not, but he seemed to me to be acting for Captain Trench.

8617. Was there another Forde, John Forde?—He has a son of that name.

8618. Did you see him acting?—No.

Re-examined by Mr. Serjeant Armstrong.

8619. Your definition of an agent appears to be a man who does nothing as far as I can understand?—Well, it would be of no use employing them to do nothing.

8620. You did not see Mr. Ryan or Mr. Shine breaking any windows, I hope?—I did not.

8621. And you say the election was really over when you were interfered with; were you not nearly over yourself, very shortly afterwards?—Upon my word I was.

8622. Mr. McDonagh. Who employed you at the election?—Captain Trench and Mr. Concanen.

8623. What were you to be paid?—There was nothing; I did not ask for anything.

8624. How much were you given to understand that you were to get?—There was no understanding whatever.

8625. But you were to be paid?—I supposed I was. I would not act for anyone without being paid.

8626. How much do you expect to get?—Well, I will take as much as I get.

8627. What is your expectation?—Upon my word, I do not know. I think that is an honest request.

8628. And you voted for Captain Trench?—I did.

[The Witness withdrew.]

[Adjourned to To-morrow, at Eleven o'clock.]

Mr.
J. Higgins.
15 April
1872.

COPY
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(1872.)

PART I.

*Ordered, by The House of Commons, to be Printed,
13 June 1872.*

[Price 2s. 10d.]

241 -L.

Under 24 oz.